

**Reference:** 06/15/0782/F

**Parish:** Great Yarmouth

**Officer:** Mr J Beck

**Expiry Date:** 16-02-2016

**Applicant:** Ms S Johnson,

**Proposal:** Proposed structure with fountain on roof serving drinks and food.  
Table and chairs and piped music

**Site:** St Georges Park, Crown Road  
Great Yarmouth

## REPORT

### 1. Background / History :-

1.1 The application site is within St Georges Park which forms one of the most central green amenity spaces within the town of Great Yarmouth. The park contains landscaping, pathways, sculptures and a war memorial. The proposed fountain bar is positioned central to the park between two of the pathways. The park is within a conservation area (number 15 St Georges).

1.2 The proposal is to open a bar/cafe with a central water feature. The structure will be an octagon shape with a diameter of 4.4 metres when closed and 10.1 metres when opened out. The bar can open outwards to provide a canopy for the seating area and can be retracted when not in use. The bar area will serve drinks and sell both hot and cold food for consumption under the canopy making an A3 (café/restaurant) use.

#### 1.3 Planning History:

06/83/0678/F – Siting of mobile catering unit for the sale of snacks. Refused. 07-10-1983

06/86/1007/SU – Conversion of shelter into groundsman's hut with rear access to St Georges Park. Approved with conditions. 23-10-1986

06/86/1249/SU - Conversion of shelter into groundsman's hut with rear access to St Georges Park. Approved with conditions. 02-01-1987

06/90/0740/SU – Mobile catering concession. Approved with conditions. 03-08-1990

06/96/0458/F – To site small van/kiosk within grounds to provide refreshments within the area. Approved with conditions. 05-08-1996

06/97/0708/F – Renewal of planning permission 06/96/0458/F to site small van/kiosk within grounds to provide refreshments within the area. Approved with conditions. 25-09-1997

06/07/0634/F – Refurbishment of St Georges Park and environments to include new lighting and installation of cycle stands. Approved with conditions. 11-09-2007

06/11/0215/F – Extension to single storey groundsman's hut. Approved with conditions. 31-05-2011

06/14/0278/CU – Standing of ice-cream van to sell ice cream. Approved with conditions. 18-06-2014.

## **2. Consultations :-**

**2.1 Property Services** – No objection but discussed the matter with Nplaw and advised that a licence would be required and also noted an existing byelaw restricting alcohol sales at the park.

**2.2 Highways** – No objection.

**2.3 Building Control** – Highlighted the requirement of toilets for the staff.

**2.4 Environmental Health** – Object. A water feature could encourage legionella so they have requested a health assessment. The sales of alcohol could encourage anti-social behaviour. Lack of toilet facilities, subsequently the applicant has reduced the amount of table and chairs available. Piped music could create an adverse level of noise so should be conditioned.

**2.5 GYBServices** – No comment.

**2.6 Norfolk Constabulary** – Has not objected, but recommended security methods.

**2.7 Conservation** – Supported the development in principal, but subject to full details.

**2.8 Strategic Planning** – No comments received.

**2.9 Neighbours/public** – No comments received.

**2.10 Great Yarmouth Tourism Authority** – No comments received

**2.11 Fire services** – No comments received

**2.12 Historic Environment Services** – No comments received.

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

3.1 Saved policies from the Borough Wide Local Plan:

#### **POLICY REC11**

The Borough Council will refuse proposals which would erode the provision of amenity, open space or any other land which contributes positively to the community or street scene, as identified on the proposals map. Where not identified proposals will be treated on their individual merits.

(Objective: To safeguard important amenity and open space in urban 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.)

### 3.2 Core Strategy:

#### Policy CS1 - Focusing on a sustainable future

- A) Sustainable growth, ensuring that new development is of a scale and in a location that complements the character and supports the function of individual settlements
- B) Mixed adaptable neighbourhoods, which provide choices and effectively meet the needs and aspirations of the local community
- C) Environmentally friendly neighbourhoods that are located and designed to help address and where possible mitigate the effects of climate change and minimise the risk of flooding
- D) A thriving local economy, flourishing local centres, sustainable tourism and an active port
- E) Safe, accessible places that promote healthy lifestyles and provide easy access for everyone to jobs, shops and community facilities by walking, cycling and public transport
- F) Distinctive places that embrace innovative, high quality urban design that reflects positive local characteristics and protects the borough's biodiversity, unique landscapes, built character and historic environment

#### CS9 - Encouraging well designed distinctive places

High quality, distinctive places are an essential part in attracting and retaining residents, businesses, visitors and developers. As such, the Council will ensure that all new developments within the borough:

- 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
- B) Consider incorporating key features, such as landmark buildings, green infrastructure and public art, which relate to the historical, ecological or geological interest of a site and further enhance local character
- 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
- D) Provide safe access and convenient routes for pedestrians, cyclists, public transport users and disabled people, maintaining high levels of permeability and legibility
- E) Provide vehicular access and parking suitable for the use and location of the development, reflecting the Council's adopted parking standards
- F) Seek to protect the amenity of existing and future residents, or people working in, or nearby, a proposed development, from factors such as noise, light and air pollution and ensure that new development does not unduly impact upon public safety
- G) Conserve and enhance biodiversity, landscape features and townscape quality
- H) Minimise greenhouse gas emissions and the risk of flooding, through the use of renewable and low carbon energy and efficient site layouts and building designs, in accordance with Policy CS12
- I) Fulfil the day-to-day social, technological and economic needs of residents, visitors and businesses by ensuring the provision of capacity for high speed digital connectivity, suitable private and communal open space, cycle storage and appropriate waste and recycling facilities.

Applicants are encouraged to engage with the Council's Development Control section early on in the design process through pre-application discussions to help speed up the planning process and ensure that the selected design is the most appropriate for the site.

#### CS10 – Safeguarding local heritage assets

A) Conserving and enhancing the significance of the borough's heritage assets and their settings, such as Conservation Areas, Listed Buildings, Scheduled Ancient Monuments, archaeological sites, historic landscapes including historic parks and gardens, and other assets of local historic value

B) Promoting heritage-led regeneration and seeking appropriate beneficial uses and enhancements to historic buildings, spaces and areas, especially heritage assets that are deemed at risk

#### CS15 – Providing and protecting community assets and green infrastructure

A) Resist the loss of important community facilities and/or green assets unless appropriate alternative provision is made of equivalent or better quality in a location accessible to current and potential users or a detailed assessment clearly demonstrates there is no longer a need for the provision of the facility in the area

C) Promote healthy lifestyles by addressing any existing and future deficiencies in the provision, quality and access to sports facilities, playing pitches, play spaces and open spaces throughout the borough

### 3.3 National Planning Policy Framework:

Paragraph 56) The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 70) To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural



buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

- Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and

#### **4. Assessment and Recommendation:**

4.1 The application site is within St Georges Park which is an important green space in the centre of Great Yarmouth. The area is designated open amenity space under Policy REC11 of the Borough Wide Local Plan. The park is predominantly used as amenity space as opposed to a sporting park. The land is largely open in character although it does contain prominent landscaping as well as landmarks such as the war memorial. Although surrounded by fencing it can be entered from a number of different sides.

4.2 The proposal is for a fountain bar which is formed of an octagonal shape with extending canopy to allow for an area of seating. The centre will form a bar and house the necessary facilities with the fountain itself forming the central theme of the bar. The proposed unit will sell both hot and cold food as well as hot and cold drinks which will also include the sales of alcohol. The use class is considered A3 (restaurant and café) as the the consumption of the food and drink is under the canopy (this is stated on the application form). Sales of food outside of the canopy would be A5 use which is defined as hot food takeaway and A1 (retail) for the cold food products, a correspondence from the agent suggests that customers would have the option to do both.

4.3 The siting of this unit would reduce the amount of open space available and lessen the amount of land available for public amenity use; however it will provide a service and attraction for those using the park. In addition the structure offers visual benefits and is not considered to significantly and detrimentally detract from the surrounding area. It is noted that if the structure is to be decorated by local artists the exact finish is unknown at this point and can be conditioned accordingly. The conservation team has not objected to the scheme in principal subject to further detail which has now been submitted. The location of the bar is close to a tree, if the

committee is minded to approve the application it should be conditioned so that no trees are removed to facilitate the development as there is alternative space available.

4.4 The creation of commercial enterprises within area of open space is largely contrary to REC11. However the park area has a relatively limited amount of food and drink sellers within the vicinity particularly in comparison to other prominent visitor locations such as the seafront. If the committee is minded to approve a temporary permission is recommended to assess the wider impact and to ensure the structure does not decline in appearance. A temporary condition will also allow the council to assess the impact on the wider area.

4.5 The proposal could potentially encourage more activity in the park and provide visitor appeal offering a boost to visitor numbers. However the park is a place for family enjoyment and the introduction of alcohol could encourage anti-social behaviour. The council has previously attempted to reduce alcohol consumption within the park and there are byelaws relevant to alcohol consumption. During the site visit a number of signs prohibiting alcohol consumption were visible. If the committee is minded to approve the application a condition should be included that ensures all drinks are kept within the canopy of the bar, drinking outside this area could encourage anti-social behaviour. This would require a separate alcohol licence. The sales of hot food could also create odours and litter not previously present within the park.

4.6 Environmental Health raised serious objections to the development principally these related to toilet provision and legionella disease. The water feature is a possible hazard without specific preventative measures. Environmental Health requested a risk assessment which would also details methods to reduce hazards which have not been submitted as part of the application. It is recognised that the design and access statement does include a limited amount of information, but more is required. If the committee is minded to approve the application a risk assessment should be submitted for the approval of the Environmental Health team in the interests of customers and wider users of the park.

4.7 The other principal issue for Environmental Health which has been echoed by Building Control is toilet provision. The scheme does not provide toilets for customer or staff use. Staff will use the Drill Hall which is situated on York Street. The applicant has suggested a reduced number of table and chairs available for customers to better meet the Environmental Health legislation however Building



Control and Environmental Health are maintaining their objections. The development in its current form does not conform to health legislation.

4.8 The requirement for toilet provision has been refuted by the applicant and they have provided additional information to argue this case which has been attached.

4.9 The proposal includes piped music. Inappropriate loud music should be avoided in this location and if the committee is minded to approve the application a condition should be included to restrict noise to suitable times.

4.10 The unit will be portable and could be moved to other sites (subject to planning permission) no details have been provided for the hard standing surface which would likely include pipe works. Once the kiosk is removed the concrete slab/paving slabs could represent a reduction in the quality of the environment. Should the committee be minded to approve the application a condition should be included to ensure the land is left in an acceptable state should the unit be in use elsewhere. Upon ceasing business then the ground should be returned back to its previous state (removal of base and re-turfed). The exact nature of the ground which the unit is not in situ could also be conditioned to ensure that the land remains in an acceptable state.

**5. Recommended for refusal** – Originally the proposal indicated a café within St Georges Park, however subsequent correspondence with the applicant suggests a take-away unit under A5 and A1 use. A take-away kiosk raises further issues of possible anti-social behaviour and loss of amenity value to the park. Regardless of the use of the unit the lack of toilets does not create a good standard of environment to both staff and customers. The development is currently contrary to Building Control and Environmental Health legislation and it does not provide adequate amenities for the staff and customers.

The proposal would provide benefits to the park by providing an aesthetically positive attraction. If approval is recommended by the committee the following conditions could be considered: a temporary permission, restricted alcohol sales, pipe music restrictions, submission of an environmental risk assessment, ground conditions. Lighting restrictions subject to Environmental Health opinion.

# JEREMY STACEY ARCHITECTS

16 May 2016

187-04.1-16-05-16

Jason Beck  
Great Yarmouth Borough Council  
Planning  
Town Hall  
Hall Plain  
Great Yarmouth  
Norfolk  
NR30 2QF

Dear Mr Beck

FOUNTAIN BAR SEACHANGE ARTS your ref. 06/15/0782/F

Thank you for sending on, last Friday 13 May, the Great Yarmouth Borough Council *Code for the Provision of Customer Toilets in Eating and Drinking Establishments*.

As you are aware we had been working under the assumption following your negotiations with Environmental Health as confirmed in our email copied below that lavatory accommodation would not be required.

*On 13 Apr 2016, at 16:06, Jeremy Stacey <jsarch@mac.com> wrote:*

*Dear Jason*

*Thank you for your further discussions with Environmental Health, I am pleased to hear following the information given in my last email that we do not need to provide lavatory accommodation for staff.*

*Following our last conversation I understand that we need to reduce the seating at tables to 25no. and not as shown on the application drawings. (and lavatory accommodation would not need to be provided for customers)*

*The applicant has agreed to this reduction please record this amendment.*

*Am I now correct that there are now no further concerns and an approval may shortly be granted.*

*I look forward to hearing from you.*

*Regards*

*Jeremy*

Whilst the Code of Practice is useful document I would like to draw to your attention the following clauses.

## **2. What type of premises does the code cover?**

*The code covers any premises or establishment used for the sale of food or drink to members of the public for consumption **at the place**.*

Please note that the Fountain Bar is a kiosk, the public do not enter the structure, food and drink are not consumed in the premises but outdoors in the Park. The Fountain Bar is in effect like an ice cream van or other temporary installation that provides a service to visitors to the Park. Once the season is over the Fountain Bar would be dismantled and put into storage until the next season.

ARCHITECTS ARTISTS GARDEN & LANDSCAPE DESIGNERS

New Farm Barn Beachamwell Norfolk PE37 8BE

tel.  
email  
web

01366 328 735  
jsarch@mac.com  
jeremystaceyarchitects.co.uk

VAT Registration 699 9834 32

### **3. Where does the code not apply?**

*The code does not apply to establishments used for the sale of food and drink **which is all consumed off** the premises.*

As noted in the response to clause 2 it would appear that the Code of Practice does not apply to the Fountain Bar since all the food and drink is consumed off the premises

3. continued *The code shall also **not apply** where a maximum of 10 seats are provided within an establishment for the consumption of food or drink at the premises but where **the primary use of the establishment is for takeaway food and drink.***

When we last spoke about the Fountain Bar it was indicated that if we reduced to seats to 25no., (I believe on looking at the code this should have been 20no. seats) there would be no need to provide lavatory accommodation. The applicant is happy to reduce the seats to 10no. and this would indicate that there would be no need to provide lavatory accommodation.

### **5.3. Requirements for employees**

*In addition to toilets provided for customers, toilets are also required for employees. Where 5 or more employees are likely to be in the workplace at any one time, these facilities must be separate to customer toilet facilities. For more information please refer to Workplace (Health, Safety & Welfare) Regulations 1992 or refer to the Health and Safety Executive website [www.hse.gov.uk](http://www.hse.gov.uk)*

We have already established that since the Fountain Bar is a joint venture between the Patio Café and Sea Change Arts lavatory accommodation is being provided at the Patio Café and the Sea Change Arts establishment The Drill House

### **6. Relaxation of the standards laid down in this code**

*The Council recognises that there may be situations where it is impossible to meet the requirements of this code and in order to ensure that local economic growth is not hindered, there may be certain circumstances where the Council may agree to a relaxation of the standard laid down in the code. Such circumstances may include:-*

- Specific restrictions imposed by Planning and Development Control*
- **Physical restrictions that do not allow the required facilities to be accommodated***
- Where change of use is sought with no major refurbishment*

The Code of Practice acknowledges that relaxations may be made in order that local economic growth is not hindered in this case it is the physical restrictions of the Fountain Bar itself, sized to reduce the impact on the Park and permit the development of a completely demountable kiosk that do not allow for lavatory facilities to be accommodated.

6. continued Also having regard to the following criteria:-

- Number and type of customer seats provided
- Proximity of other sanitary accommodation available to customers
- Nature of food provided

The Code of Practice acknowledges if other sanitary accommodation is available nearby the Code can be relaxed nearby. We have already established that this is the case.

To conclude, the Great Yarmouth Borough Council *Code for the Provision of Customer Toilets in Eating and Drinking Establishments* does not appear to apply to the planning application for the Fountain Bar.

Please attach this letter to the set of application documents and please do contact me if you have any further queries.

Yours sincerely

JEREMY STACEY

## Jason Beck

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**From:** Sarah A. Flatman  
**Sent:** 12 May 2016 12:28  
**To:** Jason Beck  
**Subject:** RE: Fountain Bar toilet provision  
**Attachments:** toiletfacilities - amended (2).docx

Jason,

They need toilets on site before they can trade or arrangements with someone else to provide access to toilets at all times but I can't see how this could practically be provided due to the location of this bar.

Another thing is that if they have seating they will need to comply with the our requirements for sanitary provision which make it clear toilet must be provided in certain circumstances(see attached)

In addition food and health and safety legislation makes it a requirement that adequate toilet provision is provided for Staff

Does this make sense?

Do you think you will need me at the planning meeting if this is likely to be contentious ?

Regards

### **Sarah Flatman**

Commercial Team Manager  
Great Yarmouth Borough Council

Telephone: 01493 846408

E-mail: [Sarah.Flatman@great-yarmouth.gov.uk](mailto:Sarah.Flatman@great-yarmouth.gov.uk)

Website: [www.great-yarmouth.gov.uk](http://www.great-yarmouth.gov.uk)

Correspondence Address: Town Hall, Hall Plain, Great Yarmouth, Norfolk NR30 2QF

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It takes 24 trees to produce 1 ton of office paper! Think... is it really necessary to print this email?

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**From:** Jason Beck  
**Sent:** 11 May 2016 11:03  
**To:** Sarah A. Flatman  
**Subject:** Fountain Bar toilet provision

Good Morning Sarah,

I know Grant has spoken to you regarding the toilets, could you please confirm that under EH legislation that toilets are required. Would they be able to open without the toilets? I can then mention this in my report.

Regards

### **JASON BECK**

Planning Assistant (Development Control)

**Great Yarmouth Borough Council**

Tel: 01493 846388

E-mail: [jb@great-yarmouth.gov.uk](mailto:jb@great-yarmouth.gov.uk)

Website: [www.great-yarmouth.gov.uk](http://www.great-yarmouth.gov.uk)

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**Jill K. Smith**

01015/07821F

**From:** Jason Beck  
**Sent:** 01 March 2016 10:24  
**To:** Jill K. Smith  
**Subject:** FW: POSSIBLE SALE OF FOOD AND DRINK FROM KIOSK IN ST GEORGES PARK

Hello Jill,

Please find below a consultation response regarding St Georges Park

Regards

**JASON BECK**

Planning Assistant (Development Control)

**Great Yarmouth Borough Council**

Tel: 01493 846388

E-mail: [jb@great-yarmouth.gov.uk](mailto:jb@great-yarmouth.gov.uk)

Website: [www.great-yarmouth.gov.uk](http://www.great-yarmouth.gov.uk)

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**From:** Linda J. Curtis  
**Sent:** 01 March 2016 09:03  
**To:** Jason Beck  
**Subject:** FW: POSSIBLE SALE OF FOOD AND DRINK FROM KIOSK IN ST GEORGES PARK

Hi Jason

Please find email below from Chris Skinner regarding the possible sale of food and drink within St Georges Park.

Any problems do not hesitate to contact me.

Regards

Linda

**Linda Curtis**

Terrier Clerk

Great Yarmouth Borough Council

Telephone: 01493 846136

E-mail: [Linda.Curtis@great-yarmouth.gov.uk](mailto:Linda.Curtis@great-yarmouth.gov.uk)

Website: [www.great-yarmouth.gov.uk](http://www.great-yarmouth.gov.uk)

Correspondence Address: Town Hall, Hall Plain, Great Yarmouth, Norfolk NR30 2QF

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**From:** Skinner, Chris [<mailto:chris.skinner@norfolk.gov.uk>]

**Sent:** 27 February 2016 14:01

**To:** Liz Easey (nplaw)

**Cc:** Linda J. Curtis

**Subject:** RE: POSSIBLE SALE OF FOOD AND DRINK FROM KIOSK IN ST GEORGES PARK

Linda/Liz

Firstly, the Council can licence someone to sell a commodity in the Park, and this would include food and drink. I see no reason why a fee should not be charged for granting such a consent. If alcohol is to be sold from the kiosk then the trader will need a premises licence from GYBC. There is a new public space protection order that replaces (or is about to replace) the byelaw you refer to. The byelaw (and the new PSPO) allows an officer to ask someone to stop drinking alcohol and only if they disobey the request is an offence committed. However neither the byelaw or the PSPO are likely to apply to someone drinking alcohol in the vicinity of a kiosk licenced to sell alcohol.

So I can see no problems with what is proposed.

Chris

---

**From:** Easey, Liz

**Sent:** 25 February 2016 12:08

**To:** Skinner, Chris

**Cc:** Linda J. Curtis

**Subject:** POSSIBLE SALE OF FOOD AND DRINK FROM KIOSK IN ST GEORGES PARK

Hi Chris,

Linda Curtis has had a request from planning regarding an application to erect a kiosk in St Georges Park.

We have had a look at the byelaw relating to the park and this seems to indicate that GYBC can authorise the sale of a 'commodity' within the park at point 20, but would this cover food and drink? I have attached the request from planning and a copy of the byelaw.

We also recalled that there is a more recent byelaw relating to consuming alcohol within certain places in the borough, the park being listed as one of these. I have attached a copy of that byelaw as well, which from our reading seems to suggest that if GYBC issued a licence for the sale and consumption of alcohol within a certain area of the park, or the whole park, then this would allow them to sell alcohol without falling foul of the byelaw.

Can you have a look and let Linda know your opinion on this so that she can reply to planning on the application.

Thanks

Liz

Liz Easey

Legal Officer

nplaw

Tel:- 01493 846276

Mobile:- 07766 785544

E-mail [liz.easey@norfolk.gov.uk](mailto:liz.easey@norfolk.gov.uk)



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Jason Beck  
Great Yarmouth Borough Council  
Town Hall  
Hall Plain  
Great Yarmouth  
Norfolk  
NR30 2QF

Community and Environmental  
Services  
County Hall  
Martineau Lane  
Norwich  
NR1 2SG  
NCC contact number: 0344 800 8020  
Textphone: 0344 800 8011

Your Ref: 06/15/0782/F  
Date: 3 February 2016

My Ref: 9/6/15/0782  
Tel No.: 01603 638070  
Email: stuart.french@norfolk.gov.uk

Dear Jason

**Great Yarmouth: Proposed structure with fountain on roof serving drinks and food.  
Table and chairs and piped music  
St Georges Park Crown Road GREAT YARMOUTH NR30 2JN**

Thank you for your recent consultation with respect to the above.

In highway terms only I have no objection to the proposals nor do I wish to restrict the grant of permission.

Yours sincerely

*Stuart French*

Highways Development Management & Licensing Officer  
for Executive Director for Community and Environmental Services

From ~~To:~~ Building Control Manager

My Ref: 06/15/0782/F

To ~~From:~~ Development Control Manager

Date: 20th January 2016

Case Officer: Mr J Beck  
Parish: Great Yarmouth 14

**Development at:-**

St Georges Park  
Crown Road  
GREAT YARMOUTH  
NR30 2JN

**For:-**

Proposed structure with  
fountain on roof serving  
drinks and food. Table and  
chairs and piped music

**Applicant:-**

Ms S Johnson  
The Drill House  
York Road  
GREAT YARMOUTH

**Agent:-**

Ms S Johnson  
The Drill House  
York Road  
GREAT YARMOUTH

The above mentioned application has been received and I would be grateful for your comments on the following matters:-

Please let me have any comments you may wish to make by 3rd February 2016.

**COMMENTS:**

As mentioned in section 5 of Applicants Statement,  
toilet provision is required for staff.

DBe . 4.2.16 .

## **MEMORANDUM**

### **From Environmental Health**

To: Head of Planning and Development  
**Attention:** Jason Beck

Date: 8 February 2016

Our ref: SAF

Your ref: 06/15/0782/F

Please ask for: Sarah Flatman

Extension: 408

---

#### **DEVELOPMENT AT ST GEORGES PARK FOR STRUCTURE WITH FOUNTAIN ON ROOF SERVING DRINKS AND FOOD TABLE, CHAIRS AND PIPED MUSIC GREAT YARMOUTH**

I refer to the proposed application for a structure with fountain on roof serving drinks and food, table, chairs and piped music.

I met with the applicant in December and at the time of this meeting I raised concerns that I had in respect of this development.

In particular these were:-

- Ornamental water features including ornamental fountains have been associated with Legionnaires' disease outbreaks. At the time of this visit the applicant had not fully considered the risk from Legionella with the construction of this fountain. The measures detailed in their access statement do not also deal with this risk sufficiently (see notes for applicant below).
- I am concerned that allowing alcohol to be sold at this venue will encourage anti-social behaviour back into the park. The Council is a member of the Community Alcohol Partnership that works to reduce alcohol consumption in public places. A lot of work has taken place to move street drinking in accordance with our byelaws, especially from St Georges Park where this was a particular problem in the past. Allowing drink to be sold outside again in this area would in our opinion lead to this area becoming a problem again, with the potential for anti-social behaviour to take place.
- I am also concerned that there is no provision for toilet facilities at this venue. Any food business of this nature is required under Food Hygiene Legislation to provide sanitary facilities for their staff and depending on the number of tables and chairs, also for members of the public. The applicant may therefore need to review this in their application.



I appreciate the matters above are not areas I can object to under the planning policy framework guidance. However, I wish to raise my concerns with you in respect of these issues.

In respect of the issues I can comment on under the planning policy framework guidance my main concern is the applicants wish to play piped music from the structure.

Environmental Health is objecting to the playing of piped music unrestricted in this venue. The music will be played outdoors and the park is surrounded on all sides by residential properties. In our opinion this music especially if allowed to go on until the evening will have a significant effect on local residents. The adverse effect will be greater in the evening simply because there is less background noise at night in this area. We would therefore like a condition that:-

- 1. Piped music will only be permitted between the hours of 9am-5pm Monday-Sunday.*

#### **Notes for applicant**

I would be grateful if the following notes could be brought to the attention of the applicant:-

Ornamental water features including ornamental fountains in community settings have been associated with Legionnaires' disease outbreaks. Most reported outbreaks have been associated with indoor ornamental water features but there has been at least one case documented related to an outdoor feature. These outbreaks can result in serious illness and death.

The information contained in the applicants access statement does not provide adequate information on how the risk from Legionella and microbiological contamination from waterborne pathogens will be will be affectively controlled.

I would, therefore, ask that prior to the commencement of this application the applicant provides Environmental Health with a detailed risk assessment for Legionella which provides a full specification for the design of the equipment, and the control measures that will be used to minimise the risk from Legionella and waterborne bacteria.

As a minimum this assessment should cover:-

1. Disinfection of the water supply. Normally this would be at least the addition of a biocide and UV treatment.
2. How the system will be cleaned to prevent Legionella accumulation.

3. What action will be taken when the system has remained unused for a period of time.
4. What microbiological sampling will be carried out and day to day monitoring of biocide levels.
5. How will the temperature of the water be checked on a daily basis.
6. Water change frequency.
7. Pump and filter cleaning.
8. Ongoing maintenance that will be carried out on the water feature.

In addition to the need for a risk assessment the site operators need to ensure:-

1. A competent person is responsible for maintaining the features. That person must be familiar with up to date legionella guidelines.
2. Have a written risk management plan that details operational practices to control waterborne pathogens including legionella.
3. Maintain a log of the treatment and maintenance that is carried out.

Should you have any queries in respect of these matters please do not hesitate to contact me.

Regards

**Sarah Flatman**  
**Commercial Team Manager**



**NORFOLK**  
CONSTABULARY  
*Our Priority is You*

FAO  
Mr J Beck

Great Yarmouth Borough Council  
Planning Department  
Town Hall  
Hall Plain  
Great Yarmouth  
Norfolk  
NR30 2QF

Norfolk Constabulary

Operational Partnership Team  
Police station  
Howard St North  
GT Yarmouth  
NR30 1PH

Tel: 01493 333349  
Mobile: 07920 878216  
Email: wolseyr2@norfolk.pnn.police.uk

[www.norfolk.police.uk](http://www.norfolk.police.uk)  
Non-Emergency Tel: 101

Ref: 06/15/0782/F

Date: 09/02/16

### Planning Application

**Proposed structure with fountain on roof serving drinks and food. Table and chairs and piped music at St Georges Park, Crown Road, GREAT YARMOUTH, NR30 2JN**

Thank you for inviting me to comment on the above Planning Application. I have inspected the proposals on-line and have visited the proposed site. Crime records for this area in the previous 12 months show a low number of relevant crimes and no trends. The only reference regarding security measures provided for the new structure is the provision of security shutters, but no specifications have been given.

The site of the proposed structure will permit good natural surveillance benefits by users and passers-by during opening hours. There are park lamps positioned near to the site which will allow beneficial borrowed lighting to illuminate some of the structure once it has closed for business. The applicant states that the bar and fountain will be illuminated which includes inside the structure. Such illumination should assist deterring criminality and anti-social behaviour.

Monitored Town Centre CCTV masts feature within St Georges Park but the mast situated on the eastern end of the park is masked by tree canopies and has no clear line of site of the structure. The mast by Trafalgar road does have a clear line of sight but is limited in how much of the structure it can see underneath the open canopy.



If the structure is fitted with security shuttering I would recommend that it conform to LPS 1175 Issue 5/6 attack resistant standards. Whilst its open location provides a degree of security I would ask the applicant to consider vehicle mitigation barriers around the structure to prevent vehicular attack or ready access by unauthorised vehicles next to the structure.

If the premises to which this application refers contain valuable assets, including intoxicants, then the fitting of a monitored security alarm system must be considered when the structure is closed for business. I would recommend applicant seeks advice from an alarm company which is a member of the National Security Inspectorate (NSI) or Security Systems and Alarm Inspection Board (SSAIB).

With the proposed sale of intoxicants I would encourage the applicant contact the Licensing Department and early thought by the applicant as to security measures taken to protect the premises and stock would be advisable. I would recommend staff working at this new facility are provided with personal attack alarm devices to help attract assistance if urgently required.

I recommend any cash till is securely fixed in place and sufficiently far away from the serving counter to prevent opportunist theft. Property owned by the applicant should be overtly marked with ownership details to deter theft.

I would encourage security measures & specifications referred to above are adopted as principles and products used have a proven track record in defeating known criminal methods of committing crime. If the applicant wishes to discuss the comments above or requires any further assistance, please do not hesitate to contact me.

Yours sincerely

Mr Dick Wolsey  
**Architectural Liaison Officer**  
GT Yarmouth Police station  
[www.securedbydesign.co.uk](http://www.securedbydesign.co.uk)



To: Conservation Officer

My Ref: 06/15/0782/F

From: Development Control Manager

Date:

20th January 2016

Case Officer: Mr J Beck

Parish: Great Yarmouth 14

**Development at:-**

St Georges Park  
Crown Road  
GREAT YARMOUTH  
NR30 2JN

**For:-**

Proposed structure with  
fountain on roof serving  
drinks and food. Table and  
chairs and piped music

**Applicant:-**

Ms S Johnson  
The Drill House  
York Road  
GREAT YARMOUTH

**Agent:-**

Ms S Johnson  
The Drill House  
York Road  
GREAT YARMOUTH

The above mentioned application has been received and I would be grateful for your comments on the following matters:-

Please let me have any comments you may wish to make by 3rd February 2016.

**COMMENTS:**

THE ILLUSTRATIONS PROVIDED WITH THIS APPLICATION ARE MINIMAL - SUFFICIENT FOR OUTLINE APPROVAL". THE APPLICATION IS SUPPORTED IN PRINCIPLE BY CONSERVATION BUT ANY APPROVAL SHOULD BE CONDITIONED TO SUPPLY FULL DETAILS OF THE FRAMEWORK, FORM OF CONSTRUCTION, FINISHES ETC. PLEASE SEE ATTACHED IAN HANLEY 1.2.16



WHEN THE FOUNTAIN IS NOT OPERATIONAL  
IT WOULD SEEM TO REQUIRE A 'LIGHTWEIGHT'  
DOMED FRAMEWORK TO MAKE THE  
COMPOSITION COMPLETE?



NEEDS TO BE 3M HIGH  
TO PROVIDE ELEGANT  
PROPORTIONS?

(IT WILL LOOK CRASS  
IF IT'S SQUAT?)

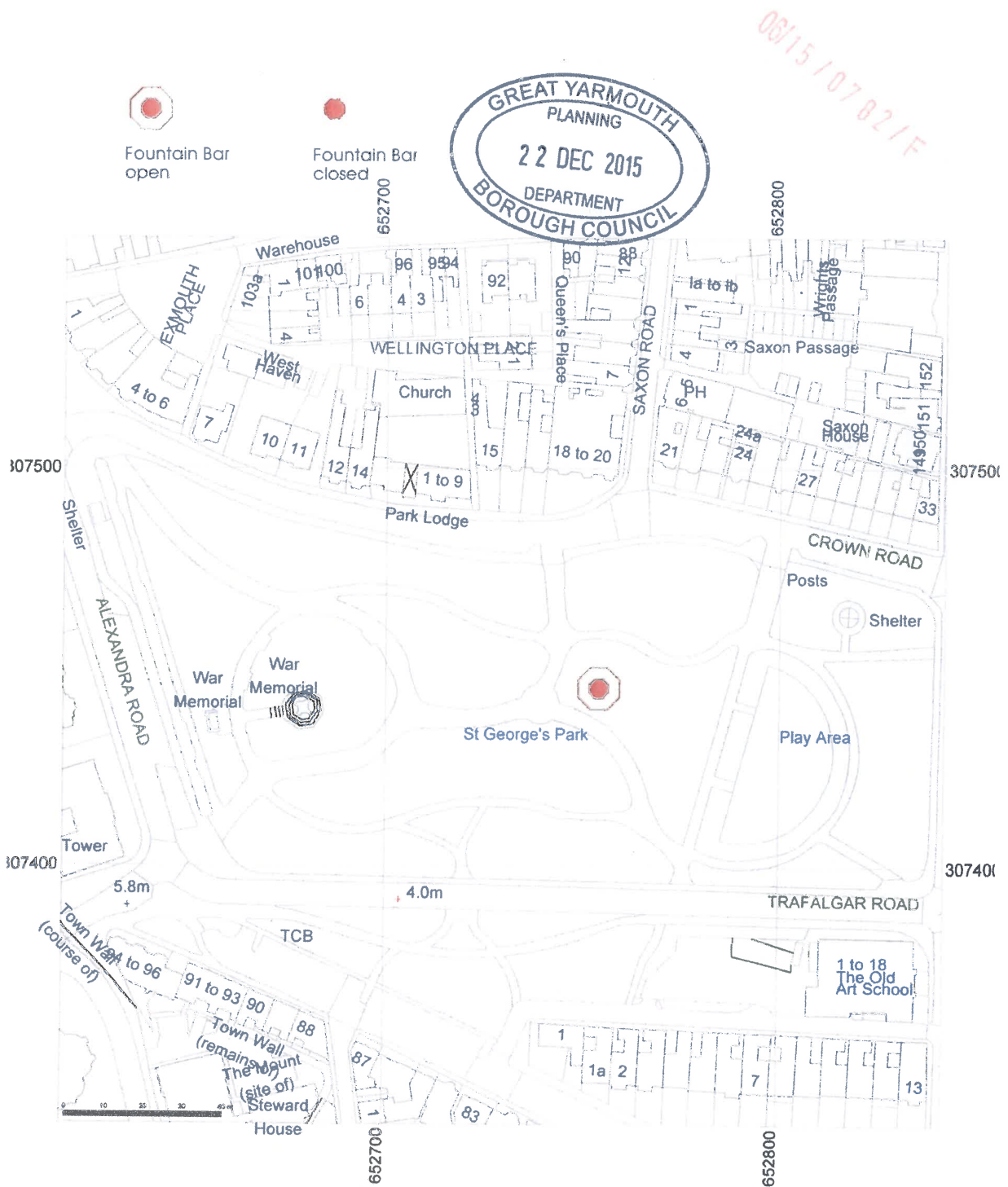


THE SCALE OF THIS STRUCTURE WOULD  
APPEAR TO NEED BETTER REPRESENTATION? A

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# The Fountain Bar site location plan revision A 19:12:15 SeaChange Arts

Jeremy Stacey Architects New Farm Barn Beachamwell Norfolk PE37 8BE