

**Reference:** 06/15/0325/F

Parish: Great Yarmouth

Officer: Mr D.Minns

Expiry Date: 22-09-2015

**Applicant:** Pasteur Retail Park Limited

**Proposal:** Erection of a non-food retail park comprising 3 A1 units, and 1 A3/A5 and 1 A3 units with car parking spaces and associated works

**Site:** Landing Adjoining to the East Jones Way (Gc) Park Pasteur Road Great Yarmouth

## **REPORT**

### **1. The Application Site and Background**

- 1.1 The application site is located on Pasteur Road on the south-western side of Great Yarmouth. It is approximately 1km south-west of Great Yarmouth town centre and 400m from the A12 Great Yarmouth western bypass. The site extends to 2.133 hectares(5.7 acres) and is rectangular in shape. The southern half of the site is vacant scrubland and the northern half is occupied by a single storey warehouse building and car/lorry parking. The site has access onto Pasteur Road, which provides a link between the roundabout junction with the A12 bypass to the south-west and the junction with the town centre, North Quay and South Quay to the north-east
- 1.2 The site is bounded by Jones Way to the west and south-west, to the east by Pasteur Road (A1243) and to the north by the existing Pasta Foods factory. A Tesco Extra store and petrol filling station is situated to the north-east. The recently constructed pub restaurant The Grayling and Frankie and Benny's are opposite accessed off Jones Way.
- 1.3 There are a number of other retail operators on Pasteur Road, including Matalan, B&M, Lidl, Topps Tiles and the recently constructed Hughes electrical building. Gapton Hall Retail Park is approximately 600m to the south-west and comprises a number of national multiples (including Boots, Brantano, Outfit, Next and TK Maxx). Pasteur Retail Park is located on the opposite side of Pasteur Road, off Thamesfield Road and its main tenants include B&Q and Argos.
- 1.4 The planning application 06/15/0325/F before the Council is seeking permission for 6,849 sqm of non-food retail development comprising three A1 units, one A3/A5 unit and one A3 unit, with car parking and associated works. This is the third recent application for retail development on the site/adjoining land.

- 1.5 The first was submitted in 2005 (06/05/0709/F), but was refused as it failed to meet the sequential test required and the key objectives of PPS6 at the time. More recently the applicants sought permission for up to 10,071sqm (GEA) retail floorspace comprising seven retail (Use Class A1) units (including mezzanines) and two restaurant units (ref 06/14/0109/FUL).
- 1.6 The original application was for Open A1 retail floorspace, and a subsequent amendment reduced the total floorspace proposed to 8,999 sqm, and proposed a condition that would limit the types of goods that could be sold from the floorspace.
- 1.7 This application was refused on 24<sup>th</sup> November 2014 on two grounds namely:  
*'That the proposal would have a significant adverse impact on Great Yarmouth and Gorleston town centres and thus is contrary to national and local policy which seeks maintain and enhance the overall vitality and viability of existing centres through new investment and development; and*
- 1.8 *The proposal would undermine the strategic ambitions for the Great Yarmouth Waterfront Action Area Plan which in the short and medium term in The Conge and North Quay would represent the most appropriate locations for new mixed use development including retail.'*
- 1.9 The application is currently subject to an appeal inquiry scheduled for the end of October 2015. The current application by Indigo relates to a smaller scheme of five units totalling 6,849 sq m gross, with a sales area of 5,480 sq m net. The floorspace is split into five units and four of these units have named operators.

2.2. Table 1: Proposed floor areas

Unit	Gross area			Net Area		
	Ground Floor (sqm)	Mezzanine (sqm)	Total (sqm)	Ground Floor (sqm)	Mezzanine (sqm)	Total (sqm)
1 (Dunelm)	1,858	1,626	3,484	1,486	1,301	2,787
2 (unlet)	1,162	581	1,743	930	465	1,395
3 (AHF)	697	604	1,301	558	483	1,041
4 (Costa)	150	0	150	120	0	120
5 (Burger King)	171	0	171	137	0	137
<b>Total</b>	<b>4,038</b>	<b>2,811</b>	<b>6,849</b>	<b>3,231</b>	<b>2,249</b>	<b>5,480</b>

- 1.10 The revised scheme effectively involves three-quarters of the retail floor space previously proposed. The previous application sought permission for two retail terraces. The revised scheme involves one retail terrace, providing 6,849 sq m retail floor space across three units, together with two separate restaurant units (units 4 and 5): Tenants have been secured for all but one of the units

1.11 Dunelm have committed to occupying Unit 1 and Anglia Home Furnishings (AHF) are committed to Unit 3. The two drive-thru units are pre-let to Costa Coffee (Unit 4) and Burger King (Unit5). Only Unit 2 remains unlet

1.12 The applicants state that the range of goods sold by Dunelm and AHF is focussed on large furniture items such as beds, bedroom furniture, dining tables and sofas. Dunelm sell a complementary range of smaller homewares items such as bed linen and cushions but principally, the range sold by both is typically of a bulky nature. Unit 2 is also being marketed as bulky goods retail unit. Officers can, therefore, be confident that this is a genuine bulky goods scheme and as previously, the client is prepared to accept a sale of goods condition to ensure that the scheme operates as such. It is proposed that the sale of goods condition is worded as follows:

*'The premises hereby permitted shall only be used for the sale of bulky comparison goods consisting of building and DIY products, pets and pet supplies, furniture, carpets, floor coverings, household furnishings, homewares, electrical goods, vehicle accessories and parts, office supplies, hobbies/crafts, sports goods and kitchens/bathrooms and any other goods which are ancillary and related to the main goods permitted. The premises shall not be used for the sale of food or any goods not included in the first part of this condition and shall not be used for any other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior consent of the Local Planning Authority.'*

## **2. Design**

2.1 The Design Statement submitted with the application states that this proposal is for the construction of a range of flexibly sized shell units to accommodate a diverse range of retail tenants. Additionally there are two drive-through restaurant unit. The terrace is aligned across its front elevation and stepped at the rear in response to the HGV manoeuvring requirements and the tapering of the site itself.

2.2 This creates three distinct units. It is proposed that the existing junction on Pasteur Road be upgraded to a roundabout. .

2.3 The terrace have been arranged to align with the Pasteur Road frontage. This allows the rear service areas to be shielded by the naturalising landscape strip that abuts Jones Way. On entering the site, HGV vehicles pass immediately through the site to the rear to minimise conflicts with cars and pedestrians in the public circulation areas. The exception to this is service access to the restaurant units. These will be served through the northern half of the car park with access limited to off-peak hours trading for the retailers. The service areas will be secured by a 2.4m high paladin style fence.

2.4 HGV access to the factory utilizes the same service route around the rear of the site to enter the Pasta Foods factory in the north east corner. Visitors to the factory (who are very limited in number) will pass through the retail park.

2.5 The car park has been arranged to ensure aisles are perpendicular to the frontage with disabled bays aligned with the entrance elevation. The 256 parking spaces will be marked out in white thermoplastic paint, 2.5m wide x 5m deep (11 of which are 6m x 3.6 m for the disabled space allocation) with 6m aisles to accord with the Highways Authority's specification. Roadways will be in black tarmac and there will be concrete to the service yard areas.

2.6 The design makes provision for a pedestrian link across the front of the terraces, which is covered with a projection that is a continuation of the main roof line. The full height columns and this covered walkway become, through their scale, the dominant theme of the front elevation and will help to contain the elements of the signage with the framework that it creates.

2.7 The building will be clad in a micro rib composite panel system or similar, horizontally laid on a vertical module of 900mm. We propose a colour change to a darker tone across the front elevation to reinforce the appearance of depth to the colonnade. Entrances will feature panels of full height glazing framed with polyester powder coated aluminium.

2.8 There is a limited number of existing trees within and around the site boundary with gradual scrubland establishing from regenerated growth. The southern site consists of open scrubland and drainage ditches which provide an exposed and relatively open landscape. In contrast, the eastern boundary (facing onto Pasteur Road) is delineated by a well-established 2 to 4m high Highways hedgerow which is dominated by field maple and hawthorn. This hedgerow becomes thinner towards the north. There is a row of existing Poplar trees within the site, running north from the Pasta Foods road entrance, which have been heavily pollarded in the past.

2.9 Most of these trees are showing signs of decay. Many have collapsed and are leaning against the existing fence for support. They offer limited visual amenity. It is proposed that the existing trees onsite will be removed to facilitate development with new tree planting to mitigate this loss. There are no Tree Preservation Orders within the site boundary.

2.10 Along the Pasteur Road frontage to the east of the development, the existing highways hedgerow will be retained and protected during construction works. Negotiations will take place with the Highways Authority in regard to the future management of the hedgerow to achieve visibility of the scheme when approaching the frontage. As part of the creation of the roundabout, some removal of hedgerows will be necessary along with clipping back of other sections to ensure good visibility for road users.

2.11 As the new boundary hedge and thicket develop they will be managed and maintained at an appropriate height to ensure they develop to provide low level screening and enhanced security to the site boundaries whilst maintaining visibility. Within the southern section of the car park end islands will be planted with low groundcover and a line of trees which divides the massing of the car park. The trees will be clear stem to achieve good visibility across the site for surveillance.

2.12 Materials will be chosen to ensure their longevity and to maintain their appearance with the minimum amount of maintenance. Where vulnerable materials

are exposed to potential damage in service yards they will be afforded protection with Armco barrier. Bollard protection will be provided to doorway reveals.

2.13 This application is for the delivery of shell and core units, which will be let to tenants for a subsequent fit out. The standards of energy performance of both will be those required by the building regulations current at the time of their construction. The landlord's estate lighting to the car park, service yards and colonnade will utilise LED luminaires ensuring longevity and reducing energy use..

2.14 The application is accompanied by the following documents

- Retail Statement;
- Design and Access Statement;
- Transport Assessment;
- Flood Risk Assessment, Surface and Foul Water Drainage Strategy
- Strategic Flood Risk Assessment;
- Ground Condition Assessment;
- Ecological Survey;
- Noise Report ;
- Air Quality Assessment; and
- Energy Statement.

### **3.0 Background to the Application Proposal**

3.1 The applicants in supporting documentation state that 'Pasta Foods is the UK's leading dry pasta producer, and a world leader in the production of snack pellets.

3.2 The company, which employs approximately 140 people, has two other warehouse facilities in Great Yarmouth and another in Norwich. It also operates Waveney Mill at Southtown Road, Great Yarmouth.

3.3 Its current operation at Pasteur Road is outmoded; the existing factory building, adjacent to the application site, is no longer 'fit for purpose' and is in need of regular repairs and capital expenditure to remain operational.

3.4 This application scrubland adjacent to the existing factory. It considers that it is not commercially viable to expand the current operation onto the adjoining

3.5 The company plans to expand significantly over the coming years and to aid this expansion it wishes to sell the site with planning permission, releasing capital to facilitate improvements to the wider operation. Further updated information on the operation of the business is anticipated .

3.6 The application site has formally promoted through the Local Development Framework process and agents has submitted representations on its behalf in response to the following documents:

Local Plan: Core Strategy 'Finalising Our Options' (Regulation 18) – November 2012; and

Local Plan: Core Strategy Publication (Regulation 19) – September 2013 As part of these representations Deloitte made reference to the following evidence base documents:

- Sustainable Settlement Study (November 2012);
- Employment Land Study (January 2006);
- Employment Land Update (November 2012);
- Retail Study (2011)
- Indigo Retail Consultants have also submitted representations on behalf of the applicants to the Core Strategy.

#### **4. Strategic Perspectives LLP (SP) / Carter Jonas**

4.1 SP retail specialists were commissioned by the Borough Council in July 2011 to update the 2006 joint Great Yarmouth Borough Council and Waveney District Council Retail and Leisure Study (GYBC/WDC RLS 2006). The updated Great Yarmouth Retail Study 2011 (GYRS) has subsequently been referred to by GYBC to help inform and guide plan-making and decision-taking pertaining to retail and town centre uses at the local authority level.

4.2 SP were commissioned to carry out an independent review and appraisal of the retail planning matters for the previous application and Carter Jones this current application. The author behind the reports is consistent in both cases. Carter Jones are also involved in the master planning of the town centre.

4.2 Since the 2011 study was published, however, there have been some significant changes to the baseline assumptions and forecasts that underpinned the quantitative need ('capacity') assessments for new retail (convenience and comparison) goods floorspace in the Borough and its main centres and the SP were further commissioned to refresh the retail capacity forecasts to inform the local plan process. A further refresh to support further representations on the retail section of the emerging Core Strategy following further comments from the Planning Inspectorate.

#### **5.0 Consultations**

**5.1 Neighbours/ Advert** – The application has been subject of one letter of support and 14 letters of objection including: the Town Centre Partnership, town centre businesses and individuals.. Savills have submitted an objection on behalf of the owners of the Market Gates Shopping Centre broadly agreeing with the Council's own retail consultant and the Town Centre Partnership. (Copies Attached)

**5.2 The email supporting the application** states that this is a good scheme which will provide much need employment. The future of the town centre should be full recreation and residential as the size of the units are no good for the business we wish to attract to Great Yarmouth.

**5.3 The letters objecting** to the application in summary include:

Development in this location will have severe negative impact upon the town centre which is suffering loss of traders:

This is not a genuine bulky goods scheme

A lot of the goods proposed to be sold in the town centre

Loss of Marks and Spencer to Gapton Hall has adversely impacted upon footfall in the town centre this will affect all businesses

It will not encourage new shops to open up Empty shops in the town centre should be utilised

The development is clearly aimed at town centre retailers- With many empty shops in the town there is little justification for more out of town retail space Should follow government Town Centre first policy

**5.4 Town Centre Partnership** – In summary – objects to the application. The reasons are similar to the refusal reasons for the previous application adverse impact upon the existing town centres and the Great Yarmouth Area Action Plan. There is great concern amongst our members that the proposed development will have a negative impact on an already fragile town centre that has seen foot fall decline significantly as a result of similar developments on Gapton Hall, Thamesfield Way and Tesco. The fact that this development is not restricted A1 strongly suggests that it is intended to attract a town centre retail offer that will be in competition to the existing town centre, and may result in some of the current national brands to re-located to this development

With 16% of town centre retail units currently vacant there seems little justification for additional out of town retail space and any new shops looking to come to Great Yarmouth should be encouraged to consider a town centre location to fill these empty units. The inclusion of 2 x A3/A5 units would also seem surplus to requirements particularly after the recent approval of similar units by the Council's Planning Committee alongside the Marstons Pub and Frankie and Benny restaurant development just a few hundred metres from the site of this proposal.

Within the Borough Council's local plan Core Strategy 7 'strengthening our town centres' does not in any way suggest or support the development of a retail park in this location. The strategy sets out an aspiration for future retail development to take place along the North Quay and The Conge to "to enable the centre to continue to complete with centre outside the Borough, out of town retailers and the internet"

CS7 also includes a reference from the Borough Councils Retail Study that any additional capacity for new 'non- food' space identified in the short to medium term "should be concentrated in the Great Yarmouth town centre". If this guidance is not adhered to then it is unlikely that these aspirations are to be realised if every time a development proposal outside of this aim is approved. The development is contrary to the national planning policy frame work in that it would have an significant adverse impact upon the town centre and independent traders. (full letter attached to report)

**5.5 Representation by Savills on behalf of Ellandii LLP** - owners of Market Gates Shopping Centre. Comprehensive Objections to the proposal and their summary and conclusions are reproduced below.

We are instructed by Ellandi LLP (Ellandi) to submit our comments in relation to the above mentioned planning applications by Pasteur Retail Park Ltd (PRP) (Application Ref: 06/15/0325/F) and EOP II Prop Co S.a.r.l. (EOP) (Application Ref: 06/15/0390). These applications are of significant interest to Ellandi, not least because of their notable implications for the health of Great Yarmouth Town Centre – the Borough's Main Town Centre. The purpose of this letter is to outline Ellandi's views as to the acceptability of each proposal having regard to the NPPF and supporting guidance and to weigh in the balance the case for each scheme having regard to relevant material considerations including that of the Borough's emerging Core Strategy Local Plan (which is sufficiently advanced to be afforded great weight in the decision making process).

This assessment is informed by our in-depth understanding of the health of Great Yarmouth Town Centre and follows on going liaison with Great Yarmouth Borough Council and its partners regarding the steps that can be made towards securing a positive future for the Town Centre.

It also follows an ongoing objection by Ellandi in respect of Application Ref: 06/14/0109/F and a subsequent Appeal made by Pasteur Retail Park Ltd for the erection of seven retail units, restaurant and drive thru units with associated car parking at land owned by Pasta Foods.

The rationale for this objection is that we consider the creation of a brand new retail park in this location would have a significant adverse impact on Great Yarmouth Town Centre. Moreover, the proposal conflicts with a number of relevant policies contained within the adopted Development Plan as well as relevant policies of the emerging Local Plan.

To summarise, and in respect of these latest applications for out of centre development, this letter concludes:

That combined, the two application proposals would far exceed the floorspace proposed under refused Application Ref: 06/14/0109/F (with similar goods restrictions conditions proposed). There have been no material changes in circumstances which would favour these applications since the consideration and refusal of Application Ref: 06/14/0109/F and which would warrant reconsideration of this decision (including the health of Great Yarmouth Town Centre which has in fact declined since November 2014).

In order to ensure consistency in decision making, it follows that GYBC would find the cumulative impacts of this amount of floorspace to be significantly adverse in line with its original decision in connection with Application Ref: 06/14/0109/F. Instead, a decision must be made as to whether it would be appropriate to allow just one of these schemes to come forward, taking into account the NPPF criteria for decision-making at Paragraph 14 which includes reference to the role of material considerations in weighing up the acceptability of a proposal.

PRP asserts that tenants have been secured for all but one of the units with Dunelm having committed to Unit 1 and Anglia Home Furnishings committed to Unit 3. The two drive thru units are to be occupied by Costa and Burger King.



In contrast to the proposal by EOP, the site to which this application relates is not currently in a retail use – in fact it is identified as an Existing Employment Site in the existing and emerging Local Plan which we address in more detail below.

Before an analysis of the two proposals is undertaken, it is necessary to outline the Development Plan position, against which both proposals will need to be assessed. This is important because in both cases, both applicants have applied very little weight to the emerging Core Strategy Local Plan in the consideration of their respective proposals – an approach which is incorrect for the reasons we set out below and in any event it is for the Council to determine what weight is to be applied to the emerging Local Plan as set out below.

It is also notable that the site of the second retail terrace under Application Ref: 06/14/0109/F has simply been removed from this application proposal with the layout of the site remaining as previously proposed but also including what looks to be service access to the area previously identified for the second retail terrace. It is apparent from this layout that the Applicant has every intention of bringing forward additional development here, once the principle of retail use in this location is established (Full letter forms part of the background papers)..

**5.6 Highways Agency** – No Objection subject travel plan and restriction on sale of goods Holding direction initially until 30 September now with drawn A comprehensive travel plan should be developed and agreed with Norfolk County Council.

**5.6 Norfolk County Highways** – The application is similar to Application Number 06/14/0109/F, however the quantum of development is less and the layout of the car parking has been modified accordingly.

According to Drawing No 12-174-P002 Rev G of the Design and Access Statement, the development will be accessed via a roundabout, however the Transport Statement makes reference to a signalised junction. The Highway Authority wishes to see the development accessed via a roundabout as was agreed for the first application and as is shown in the Design and Access Statement.

Provided a roundabout is the form of junction providing the access, the Highway Authority has no objection subject to conditions. (see attached conditions)

**5.7 Norfolk Fire and Rescue Service** – ‘A fire hydrant is required on site (at the applicants expense) details of the location to be agreed before the commencement of development and a condition is required on any pp to cover this.’

**5.8 Environment Agency** – Essentially our comments and request for condition remain as described in our letters of 8 April and 6 June 2014 and we request that you accept this letter as the same .Norfolk County Council as Lead Flood Authority have been copied on in this response. We consider that planning permission should only be granted to the proposed development if the following planning conditions are imposed as set out below. The EA have requested 10 conditions relating to surface

water management, flood management and the need to ensure that flood risk is not increased elsewhere and the need to get the prior approval of the internal drainage board to discharge surface water into the surrounding water courses. The reason given is to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water.

**5.9 Anglian Water** –No objections. The sewage system at present has available capacity for these flows. If the developer wishes to connect to our sewage network they should serve notice under section 106 of the Water Industry act 1991. We will then advise them of the most suitable point of connection.

**5.10 Essex and Suffolk Water-** We would advise you that our existing apparatus does not appear to be affected by the proposed development. We give consent to this development on the condition that water mains are laid in the highway to the development, and that the water service is connected with a meter for revenue purposes.

**5.11 Inland Drainage Board** – we refer to this application which falls within this Board's drainage district. As the surface water drainage from the proposed development will flow into the Board's drainage system Board consent will be required in the event that the application is granted.

**5.12 Natural England** – This proposal does not appear to affect any statutory protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal an EIA development

**5.13 Environmental Health** – I would not have any opposition to the development proposed, however, I would make the following comments

**Contaminated Land** - The contaminated land report was a phase 1 only and this identified that further intrusive investigation is required to establish levels of ground gas, metals and hydrocarbons. Ground gas and the other substances highlighted were found during a site investigation on the plot of land next door where Marston's have applied for planning permission. In addition asbestos (Crysotile) was positively identified during sampling at the Marston's site. As the land in this application was earmarked for allotments it would be within the realms of possibility that asbestos will be present and should be investigated.

I would therefore recommend a condition that prior to any construction on site a phase 2 report detailing an intrusive site investigation is to be submitted to the Planning Authority for approval. The report should be accompanied by a validated remediation strategy to demonstrate what remediation

#### **Noise – Fixed Plant**

The report with the application identifies residential properties along Anson Road and Tamworth Lane as the nearest; however, there are residents equidistant in Coronation Green and High Mill Road in Cobholm. Background noise levels are to

give rise to audible noise at the boundary of the nearest residences shall be carried out only between the following hours:

Monday to Friday 08:00 to 18:00 hours

Saturday 09:00 to 13:00 hours

With no such activities being carried out on Sundays and Public Holidays

All plant and machinery in use shall be silenced and maintained in accordance with the manufacturers' and/or suppliers' instructions or recommendations. All hand-held pneumatic machinery, including breakers and chisels, shall be of an integrally silenced design.

In order to minimise dust on the neighbouring residential properties a scheme should be submitted to the planning authority detailing how emissions of dust from the demolition and construction activities on site will be minimised. The air quality assessment that has accompanied the application identifies good practice measures and should be used as a basis for the scheme.

**Food Hygiene** - The applicants are more than likely aware that some of the units will need to be registered with Environmental Health as a food premises. Despite this it is strongly recommended Environmental Health is consulted by the applicants prior to construction to discuss the layout of the kitchen and the amount and type of ventilation proposed.

**5.14 Norfolk Constabulary**– The site is in an area that Crime records show a considerable number of local crimes within the retail arena. The D& A statement makes little direct reference to Crime Prevention measures. Detailed comments on Boundary treatment, Access Control and Permeability, Landscaping, Lighting Parkings Bays and Cycle Storage. (full comments attached).

**5.15 Building Control** – No comments that affect planning.

**5.16 Archaeology** – Following comment from the County landscape Archaeological unit that the application lacked a Heritage Assessment the applicants commissioned a Heritage Assessment. The conclusions of which have been agreed with by the Unit on the basis of the information submitted. The conclusion being that the potential to yield further, as yet undiscovered archaeological evidence has not been demonstrated by the desk based study.

It has been demonstrated that there is at best low potential to yield lithic material of prehistoric date and there is no potential for archaeologically of national significance which would preclude development. In this respect archaeology is unlikely to compromise the principle of development.

The proposed development site is to the west of the location of the medieval chapels associated with South Town and West Town, consequently there is no potential to recover evidence of medieval date.

The pattern of evidence held by the HER, which is dominated by remains from the Second World War also indicates that the remains from that period are located

beyond the boundaries of the proposed development site and that no further assessment is necessary.

## **6. Planning Policy Context**

### **6.1 National Planning Policy**

**6.2** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.3 National planning policy in the National Planning Policy Framework (NPPF) states in paragraph 22 'Planning policies should avoid the long term protection of sites allocated for employment uses where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'

6.4 The NPPF recognises the need to ensure the vitality of town centres. In paragraph 23 it states: 'Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- Recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- Promote competitive town centres that provide customer choice and a diverse retail offer which reflect the individuality of town centres; and
- Allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre.'

6.5 Para 24 states: 'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.'

6.6 Para 26 states: 'When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date

Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and,
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.'

6.7 Para 27: Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

## **7. Local Planning Policy Context**

7.1 The Great Yarmouth Borough Wide Local Plan 2001 includes saved policies which were given full weight for a protected period for 12 months following publication of NPPF in March 2012. However from March 2013 existing policies and the amount of weight that can be given to the saved policies is dependent on their degree of consistency with the NPPF.

7.2 The most up to date and relevant local plan policies to be considered here and are contained in the Great Yarmouth Borough Wide Local Plan 2001 and the emerging Core Strategy (May 2015)

7.3 Of the saved policies set the most relevant to this application are set out below  
Saved Great Yarmouth Borough-Wide Local Plan Policies (2001):

EMP7: Light industry, offices, general industry, warehousing or open storage and associated uses will be permitted on 9.8 hectares of land at Harfreys Farm and Garton Hall Industrial Estate as shown on the proposals map.

EMP10: Subject to the development having no significant detrimental effect on neighbouring uses, mixed uses mainly comprising general industrial, light industrial and warehousing development but with a content of retail and leisure uses not exceeding 20% of the built development will be permitted on 8.8 hectares of land bounded by Pasteur Road, the bypass, Marsh Road, Coronation Green and High Mill Road as shown on the proposals map.

NNV9: Within identified landscape enhancement areas, the Borough Council will promote, seek and secure improvements to the landscape through restoration and enhancement measures including the creation of wildlife habitats

BNV14: As a consequence of new development, including implementation of relevant proposals within the land reclamation strategy, the Council will secure improvements to the appearance of the main vehicular and pedestrian gateways to the town.

#### **7.4 Core Policy CS7 – Strengthening our centres**

b) Seek to allocate in accordance with the retail hierarchy and the sequential approach between 2,152,sqm (net) and 4,305sqm (net) of new ‘food’ shopping floorspace, and up to 8,865 sqm (net) of new ‘non-food’ shopping floorspace, in identified opportunity sites in the borough, up to 2031 in accordance with the retail hierarchy and sequential approach

c) Promote the extension of Great Yarmouth’s centre to include The Conge and parts of North Quay as a mixed-use development scheme through Policy CS17 and the Great Yarmouth Waterfront Area Supplementary Planning Document

f) Ensure that all proposals for town centre uses outside of defined centres demonstrate that there are no sequentially preferable sites available and that the proposal can be accessed by sustainable transport. Proposals over 200sqm (net) will also be required to submit a Retail Impact Assessment demonstrating that there will be no significant adverse impact on existing designated centres, including those beyond the borough boundary such as Lowestoft.

#### **Core Policy CS17 – Regenerating Great Yarmouth’s Waterfront**

The Waterfront area in the heart of Great Yarmouth has the potential to become a vibrant urban quarter that utilises its rich heritage and prime urban riverside location to create a unique and high quality environment for housing, shopping and offices which is attractive to investors and visitors as well as new and existing residents. To help realise this vision, the Council is preparing the Great Yarmouth Waterfront Area Action Plan (AAP) which seeks to [inter alia]:

b) Identify appropriate development sites within the Waterfront area for approximately:

- 14,200m<sup>2</sup> of retail and leisure floorspace, promoting the mixed-use regeneration of disused and other under-used sites (of which at least 5,050m<sup>2</sup> is anticipated to be delivered within the plan period)

#### **Other supporting studies**

*Great Yarmouth Retail Study (2011, Strategic Perspectives)*

7.5 The Great Yarmouth Retail Study was undertaken in 2011 as an update to the Great Yarmouth Borough Council and Waveney District Council Retail and Leisure Study (2006). The update specifically focussed on the Great Yarmouth Borough area. The Study provided advice on the appropriate scale and type of new retail (convenience and comparison goods) that can be reasonably accommodated in the Borough and its main centres over the development plan period to 2028.

7.6 In terms of comparison goods (which form the bulk of this planning application) the Study identified the potential capacity for new comparison goods floorspace in 2016 as 4,459 sqm. This capacity increases to 19,110 sqm by 2026 and 27,672 sqm by 2031.

7.7 In detail, the Study highlights the need to improve and consolidate comparison (and convenience) goods floor space in Great Yarmouth in line with its role as an important Town Centre, furthermore the Study recommends that the Council should carefully consider future planning applications in accordance with national, regional and local planning policy, balancing the potential for town centre and edge of centre sites to accommodate all or some of the forecast capacity in compliance with the sequential approach as well as the likely cumulative impact of new development on the overall vitality and viability of the town centre.

7.8 In the short to medium term the Study considers that in Great Yarmouth, The Conge and North Quay present the most appropriate location for new mixed uses including retail and commercial leisure uses.

*7.9 Retail Planning Appraisal of Proposed Retail Development at Pasteur Rd, Great Yarmouth (2014, Strategic Perspectives)*

7.10 An independent review and appraisal of the retail matters pertaining to the planning application was undertaken by Strategic Perspectives, retail planning consultants working on behalf of the Borough Council. The purpose of the review was to investigate the approach undertaken by Deloitte (acting as planning consultant to the planning application) in terms of the sequential and impact assessment of the site.

7.11 The Retail Planning Appraisal (RPA) undertook a 'capacity refresh' of the 2011 Retail Study to take in to account productivity growth rates and the rise in internet shopping. As a result, the refresh significantly altered the expected capacity for new comparison goods floorspace from negative 660 sqm in 2019, 4,663 sqm in 2026 and 8,865 sqm in 2031.

7.12 Further updated evidence undertaken by Carter Jonas (27 July 2015) shows that there is still no forecast capacity for new comparison goods retail floorspace until 2021 and that the forecast capacity up to 2031 is 10,814 sq m net, which is only slightly higher than previously forecast in 2014 (8,742 sq m net).

7.13 The Great Yarmouth Employment Land Review was published as a selective review of the Employment Land Study (Bone Wells, 2006) and the Lowestoft and Great Yarmouth Area Action Plans – Employment Land Evidence Base Report (DTZ, 2009). The study was undertaken to provide an up to date evidence base to guide the safeguarding and allocation of employment land in the new Local Plan up to 2029.

7.14 The Pasta Foods site was not identified as being part of an employment allocation in the 2001 Borough-Wide Local Plan, but was in existing employment use

and the 2012 Study recommends it should be allocated as employment land in the forthcoming Site Allocations Local Plan (SALP).

## **8.0 Strategic Planning Response**

8.1 The site is partly allocated as employment land in the 2001 Borough-Wide Local Plan (2001) whilst the remainder of the site is in general employment/storage uses. The Employment Land Review (2012) identifies the area as being suitable, viable and deliverable for employment use. Paragraph 6.1.8 of the Study states that there are issues with constrained land largely due to poor ground conditions. These sites may become viable when the economy recovers, however it is likely that the most significantly constrained sites will require intervention. It should be noted however that whilst development costs and low returns will discourage speculative developers, companies with specific locational requirements such as those with port related businesses, such constraints may not be insurmountable especially in the long term.

8.2 Since the publication of the Employment Land Review in 2012, the current intentions to develop the site have changed by virtue of the planning application and as such the proposal would not be considered as currently available for employment use. The NPPF advises against the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Equally emerging Core Policy CS6 allows for alternative uses where it can be demonstrated that there is a sufficient range of suitable and available sites in the borough and that there is a satisfactory relationship between the proposed use and pre-existing neighbouring uses.

8.3 The Employment Land Review (2012) has demonstrated that there are sufficient alternative sites within the borough to accommodate the likely employment need in the plan period, and equally the site is located within a quasi-employment and retail led area therefore the proposed use would be potentially appropriate for retail-led development.

8.4 Whilst the proposal is partly within employment use, it has been demonstrated that retail-led development on this site would not have an adverse impact upon the borough's capacity to bring forward sufficient employment land, and would be an appropriate alternative use.

## **8. Appraisal**

8.1 This application has raised a number of issues not in the least that it has demonstrated the changing dynamics of retail development. The independent reports and appraisal from Strategic Perspectives and Carter Jonas and subsequent refresh of the retail data show that there is no longer the capacity for retail development that the 2011 Retail Study identified.

8.2 The Great Yarmouth town centre in particular is increasing fragile and there is no doubt that on the evidence here that a open A1 retail development would continue to



undermine the town centre by continuing the shift of expenditure and footfall away from the town centre.

8.3 This report on the retail aspects of this application is based on advice received on the application(s) from Carter Jonas in terms of the application proposal, planning context, sequential site appraisal and impact upon Great Yarmouth and Gorleston Town centres and retail impact appraisal.

8.4 Members will be aware that there is a planning application to subdivide the B& Q building on Thamesfield Way and the representation from Savills on behalf of Ellandi owners of market gates makes ref to this both individually and cumulatively. The application is not on this agenda for reasons that will become apparent in the context of the advice received from Carter Jonas.

8.5 The Council commissioned Carter Jonas to undertake an independent appraisal the applications both individually and cumulatively. Essentially there are three retail consultants involved in the applications this application the agents are Indigo Planning and the B&Q site is Quod and the third is Savills commissioned by the owners of Market Gates

8.6 Savills have made considerable representation to the proposals and their representation has been taken into account by Carter Jonas in the advice given. In considering the advice Members will need also to consider the wider implications and economic benefits or otherwise of the proposal along with other material considerations identified and the weight to be accorded to those material considerations.

8.7 The retail data has also been refreshed using the most recently available index in July 2015 and undertaken by Carter Jonas

8.8 In considering the Pasteur Road application Carter Jonas have made a clear distinction between the current and previous application which is a smaller development and for the most part has named retailers and therefore cannot be seen to be a speculative development as the previous application and trading patterns are known.

8.9 Concern has been raised by a number of parties that Dunelm are not a traditional 'bulky goods' retailer despite the ascertain by the applicants agent Indigo that the range of goods sold will be "focussed on large furniture items such as beds, bedroom furniture, dining tables and sofas" They also suggest "Dunelm sell a complementary range of smaller homewares, such as bed linen and cushions but principally, the range sold by both is typically of a bulky nature".

*8.10 Consistent with this view Indigo propose that the A1 retail units be subject to a condition that would limit the range of goods to be sold but which goes far beyond a normal 'bulky goods' condition. The suggested condition is as follows:*

*'The premises hereby permitted shall only be used for the sale of bulky comparison goods consisting of building and DIY products, pets and pet supplies, furniture, carpets, floor coverings, household furnishings, homewares, electrical goods, vehicle*

*accessories and parts, office supplies, hobbies/crafts, sports goods and kitchens/bathrooms and any other goods which are ancillary and related to the main goods permitted. The premises shall not be used for the sale of food or any goods not included in the first part of this condition and shall not be used for any other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior consent of the Local Planning Authority.'*

8.11 However, the Council is advised this suggested condition is not consistent with the Carter Jonas' our understanding of Dunelm's primary retail offer, nor with the description provided by the Company in their latest Annual Report. There they describe themselves as a "specialist homewares retailer" with their two main competitors being John Lewis and Argos (Annual Report 2014, page 2). Further they go on to indicate that their

*"....superstore format provides an average of 30,000 sq ft of selling space with over 20,000 products across a broad spectrum of categories, extending from the Group's home textiles heritage (bedding, curtains, cushions, quilts and pillows) to a complete homewares offer including kitchenware and dining, lighting, wall art, furniture and rugs." (Annual Report, page 5)*

8.12 This supports our own view that Dunelm is not a traditional 'bulky' goods retailer, but rather a retailer that seeks to offer an extensive range of goods that have traditionally been sold from town centre locations by both specialist retailers and department stores. As such, although they may require a unit of a size and format not often found in town centre locations, the goods sold cannot in the majority of instances be considered to be 'bulky' and will compete 'like-against-like' with the town centres.

8.13 In terms of turnover of the proposed development the Carter Jonas consider that the turnover estimates suggested by Indigo are likely to be an underestimate. This certainly appears to be the case for Dunelm, where the Indigo sales density figures of £2,000 and £1,000 per sq m are considerably less than the £2,522 figure used by Deloitte in the Planning and Retail Assessment for the 2014 application (see SP Review & Appraisal, Table 2.2).

8.14 Review of the latest financial reports by Carter Jonas suggests an average turnover per store of around £5.33m for Dunelm (turnover of £730.2m from 137 stores – Annual Report 2014). Applying the £2,000 per sq m sales density to the whole of the net floorspace proposed equates to a turnover of £5.57m and is considered this is a better estimate of the likely sales from Unit 1.

8.15 The turnovers forecast for the other two units are also low, reflecting that sales densities used. As set out in the RPR&A in 2014 a sales density of £4,000 per sq m was considered appropriate for the unrestricted A1 use originally being proposed

8.16 Given that some restrictions on use are now proposed and an occupier is named for one of the units, a lower figure may now be appropriate. On this basis the turnover of units 2 and 3 respectively would be £4.96m and £3.70m respectively,

giving a total turnover for the proposal of £14.43m, some £5.86m higher than Indigo suggest

8.17 As stated previously, all planning applications should be determined against the development plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, unless material considerations indicate otherwise.

8.18 The local retail planning policy context has been set out above. It is also informed by the reasons for refusal of the 2014 application.

8.19 National Planning Policy Framework (NPPF) referred to above is an important material consideration in this case. At its heart is the presumption in favour of sustainable development, which is seen as “a golden thread running through both plan-making and decision-taking” (paragraph 14).

8.20 For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted (for example those policies designated as Sites of Special Scientific Interest; land designated as Green Belt; designated heritage assets; etc.).

8.21 With regards to decision-taking, the NPPF directs local planning authorities (LPAs) to “...approach decision-taking in a positive way to foster the delivery of sustainable development” (paragraph 186) and to “...look for solutions rather than problems” (paragraph 187). In order to deliver sustainable development, the NPPF sets out thirteen core tenets to inform both plan-making and decision-taking, including ‘ensuring the vitality of town centres’.

8.22 In summary, the primary objective of national and local plan policies is to maintain and enhance the overall vitality and viability of existing centres, principally through new sustainable investment and development. Proposals for retail and main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan, as is the case with the current applications, will therefore need to satisfy both the sequential and impact tests set out in the NPPF.

8.23 In their previous advice to the Council on the application for a larger retail park at Pasteur Road, Strategic Perspectives found that there were no suitable sequentially preferable alternative locations currently available, based on the evidence reviewed and taking into account the policy, guidance and advice set out in the NPPF and NPPG, along with recent Supreme and High Court judgments and relevant appeal/called-in decisions.

8.24 Based on the evidence presented, and previous discussions, Carter Jonas agree with the conclusion that there are no sites in the town centre that are currently available, or likely to be available within a reasonable period of time to accommodate the scheme as a whole. It follows that there are also no sequentially preferable sites

either in or on the edge of the town centre that can accommodate the application proposals, even assuming some flexibility in terms of format and scale.

8.25 Turning to the impact of the proposals upon the Great Yarmouth and Gorleston it is clear there are a number of considerations that are directly relevant to the current appraisal, and which are likely to be key to the determination of the two applications. These relate to the existing health of the centres; and the forecast trade draw from them.

8.26 In terms of the expected trade draw, it is an accepted principle that '*like competes with like*' (NPPG, paragraph 016); meaning a new store will draw the majority of its trade from the most similar existing outlets in an area. On this basis it would be expected that a bulky goods retail outlet would draw most of its trade from similar stores in an area, which in turn would normally mean competing with primarily out-of-town stores.

8.27 This is the case that in this application and indeed on the Thamefield Way site Carter Jonas make the point however that it is , it is important to distinguish between a proposal for a 'bulky goods retail warehouse' and a large footprint retail unit. As the range of goods permitted to be sold at existing and proposed out-of-town retail units expands, the offer in these locations is becoming less discrete from that found in town centres. This in turn means the potential trade draw from the town centre retail offer increases, with a consequential uplift in impacts.

8.28 This is a key consideration in the case of the current applications. Although both applicant's are seeking to control the types of goods that can be sold from the units and despite the reference to 'bulky goods', both applicants are seeking to sell a wider range of products. It is therefore important that, in determining the applications, the degree of potential overlap with the town centre offer is considered.

8.29 To this end a more detailed assessment of the potential overlap of offer between the current proposals, based on the suggested conditions set out by the applicants and offer provided by the named operators in the Indigo scheme, namely Dunelm and AHF. The assessment shows that there is significant potential for overlap with the town centre offer . The most recent GYBC Floorspace Survey suggests that a number of businesses could be in direct competition with occupiers of either or both of the out-of-town proposals.

8.30 When considering the potential impact of any additional out-of-centre development on the town centre, the starting point must be an understanding of the current health of the centre and its likely level of turnover and as previously stated this is mainly applicable to Great Yarmouth and Gorleston Town centres.

8.31 Both in this application and Thamefield Way application the agents conclude d conclude that Great Yarmouth is performing relatively well (Quod, para 6.33), and remains a healthy and viable centre (Indigo, para 4.28). The view of Carter Jonas is the health of the town more cautious basically echoing the concerns raised by the Council previously and that of objectors to the proposal through it is acknowledged there are some more positive signs recently most notably the investment by Ellandi

in the Market Gate Shopping Centre and the letting of the long-term vacant Co-op unit to Edinburgh Woollen Mill, Peacocks and Ponden Mill.

8.32 However Ellandi has clearly set out its concerns with regard to the health and performance of their shopping centre asset, and the wider town centre in their representations to the Council. Furthermore, current vacancy rates are still high as evidenced by the most recent Council survey, which suggests around 18% of all units in the town centre are vacant; a figure significantly above the Experian Goad national average.

8.33 In addition a number of national multiples and key attractors have closed their stores in the town centre recently, and moved to out-of-centre locations; including Marks & Spencer and Hughes Electrical. Other stores have closed as a result of company failures or have moved out of Great Yarmouth altogether. This suggests a lack of confidence in Great Yarmouth town centre. This is illustrated by the significant closure of Marks & Spencer in the town centre earlier this year, and the opening of a new store at Gapton Hall Retail Park. This is likely to have resulted in a reduction in the attractiveness and market share of the town centre, with shoppers wishing to visit these retailers having to go elsewhere, or use online shopping facility.

8.34 In the case of Gorleston town centre, the views of the applicants is again similar but limited in their consideration of the centre's health, given the relatively small impacts they forecast and the greater impact that the proposed Beacons Park development will have if it proceeds. There is no doubt that Gorleston provides a complementary offer to Great Yarmouth, but is of a more limited scale, role and function, with a greater reliance on convenience shopping.

8.35 The most recent analysis of shopping patterns in the Great Yarmouth area was undertaken as part of the 2011 Great Yarmouth Retail Study (GYRS) prepared by Strategic Perspectives. This study also examined the health of the Borough's main centres and advised on the capacity for future convenience and comparison floorspace.

8.36 as mentioned the retail capacity forecasts provided in this report were subsequently updated by SP in a 2014 Retail Capacity Refresh (GYRCR 2014), and then again by CJ in 2015 (GYRCR 2015) following representations submitted by Indigo to the proposed modifications to the Great Yarmouth Core Strategy.

8.37 The GYRCR 2015 therefore represents the most up-to-date forecast of future convenience and comparison needs and centre turnovers within the Borough, based on 2011 shopping patterns

8.38 In terms of convenience sales, the majority of retail provision is currently located in out-of-centre locations (see GYRCR 2015, Appendix 3, Table 11). Convenience sales in Great Yarmouth town centre are likely to be in the region of £35m in 2019, increasing the centre turnover to around £212.2m, whilst Gorleston's convenience sales of around £26.8m would increase total sales to £45.5m, assuming no change in retail provision. In practice however, the current turnover of Great Yarmouth town centre may be lower than this analysis suggests given the

number of key retailers who have left the town centre since the 2011 survey was undertaken, including Marks & Spencer.

8.39 On this basis of both the quantitative and qualitative analysis outlined above, Carter Jonas consider that Great Yarmouth town centre is vulnerable to competition from other competing centres and out-of-centre locations, the growth in internet shopping, and the long term effects of the economic recession on investor, business and consumer confidence. Vacancies in the town centre remain high; it has lost a number of key retailers over recent years (most recently, and most significantly, Marks & Spencer); there are a number of retailers on short term leases; and a number of retailers will be vulnerable to further loss of trade.

8.40 It is against this background that Carter Jonas have considered the likely trade draw to the application proposals from the Borough's main town centres, and the likely impact of the forecast trade diversion and impact on their overall vitality and viability and investor confidence.

8.41 Carter Jonas have advised on the 'Solus impact' of the development and considers that not only will the Retail Park proposal have a greater turnover than Indigo suggest, but that there is greater potential for trade draw from the centre, given the range of goods for which permission is sought, and which we know Dunelm and AHF would be expected to sell and represent solus' trade diversion of between £3.61 and £4.3m, from the town centre, which would be equivalent to an impact of between 2.0% to 2.4% and forecast that the equivalent impact on Gorleston would be around £0.4m or 2% of comparison sales and 1% overall.

8.42 Given the current health of Great Yarmouth town centre any trade diversion and impact is a cause for concern; as it could affect the vitality and viability of the centre, in the form of trade diversion from existing businesses who are already facing difficult trading conditions.

8.43 There is also the potential for an existing retailer in the town centre to relocate to the proposed Unit 2, which would further impact on the town centre, potentially reducing footfall and increasing vacancies. As set out in the representations made by Savills on behalf of Ellandi, there is also a risk to investor confidence in the centre. Any loss of trade or occupiers could therefore be a concern and the benefits of recent and committed investment may simply offset the new losses to the out-of-town retail park.

8.44 The cumulative effect of allowing both the B&Q and Pasteur Road applications proceeding is not considered by either applicant, as neither is a commitment at the present time. However, this is clearly an important consideration for GYBC when determining whether to allow one or both of the applications. Given the current health of the town centre and the consideration by Carter Jonas that this Pasteur Road application is likely to result in a trade diversion of -2%-2.5% and considered to be adverse it is unlikely to it would be considered significantly adverse however, with both schemes this increases.

8.45 With the Pasteur Road application the Carter Jonas are able to assess the likely impact of the development on the evidence of the information with the B&Q application this currently unclear and requires further dialogue with the applicants. .

8.46 In conclusion having considered the impact of both the proposals on Great Yarmouth town centre and Gorleston Carter Jonas advises that it is clear that both proposals will impact on Great Yarmouth and, to a lesser extent, Gorleston town centres, with some trade diversion inevitable and an impact on town centre vitality and viability and investor confidence.

8.47 However, Carter Jonas also considered that the type of space sought by retailers such as Dunelm and AHF is not currently available in the town centre. Furthermore, the refusal of the current Pasteur Road application is highly unlikely to lead to these named retailers taking space in the town centre instead.

8.48 On this basis, and in the context of a planning system that seeks to encourage sustainable economic development and encourages local planning authorities to work with applicants to achieve development, Carter Jonas have sought to consider whether there are any measures that the Council could take that would allow approval of the applications without significantly harming the town centres.

8.49 With respect to the Pasteur Road (Indigo) application, it is considered that the occupation of two of the three A1 units by retailers new to the town reduces the potential impact on the town centre, as it reduces the risks of existing retailers relocating. Further, the degree of overlap in offer between the prospective tenants and existing town centre occupiers can and has been considered and could in our judgement be controlled by condition.

8.50 The remaining unit does not have an end user at the moment and therefore could be taken by an existing town centre business, or one that would otherwise have taken a unit there. In our judgement this risk is reduced considerably if the occupier is a bulky goods retailer.

8.51 On balance, therefore, Carter Jonas consider that the principle of retail development at the proposed Retail Park at Pasteur Road is acceptable, but advise the Council that they will need to take action to ensure the impact on the town centre is kept to an acceptable level.

8.52 It is considered that this can be achieved by the imposition of suitably worded conditions which restrict the range of goods that can be sold from the out-of-town location and other aspects of the development, namely:

The maximum gross and net floorspace proposed to that set out in the PRS;

The further sub-division of any of the units to reduce the risk of attracting town centre occupiers and Conditions be applied to the individual units proposed rather than the scheme overall.

Carter Jonas considers the preferred goods condition for our judgement the preferred goods conditions for the Pasteur Retail Park (Indigo) application should be as follows:

1. Notwithstanding the provisions of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 or any amending Order, Unit 1 shall only be used as a retail unit for the sale of non-food goods comprising fabric, furniture, soft and hard furnishings, floor coverings, household goods, homewares, domestic appliances and decorative products
2. Notwithstanding the provisions of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 or any amending Order, Units 2 and 3 shall only be used as a retail unit for the sale of non-food bulky goods comprising building and DIY products, garden products and plants, kitchens and bathrooms, furniture, carpets and floor coverings, motor vehicle accessories and parts, bulky electrical goods and boating equipment (excluding boats)

8.53 Carter Jonas consider that our suggested conditions are reasonable and justified in this case to help mitigate any significant adverse impacts on the Borough's existing centres that will arise from allowing an increase in the amount and range of comparison goods to be sold from an out of centre location.

8.54 in terms of the design of the building, traffic impact and impact upon infrastructure the applicants have demonstrated that the building in this location in terms of the physical presence can be accommodated and makes use of a brownfield site subject to the conditions outlined in the report. It has been demonstrated that retail-led development on this site would not have an adverse impact upon the borough's capacity to bring forward sufficient employment land, and would be an appropriate alternative use.

8.55 It is for members to consider the competing material considerations in this application and the social economic benefits associated with the proposal against the impact upon the town centre.

## **9. Recommendation**

9.1 On balance the application is recommended for approval in accordance with the controlling conditions on the goods to be sold as suggested by Carter Jonas and subject to conditions requested by the Highway Authority, Environment Agency regarding drainage and others outlined in the report

9.2 Members should be aware that should the application be approved under the Town and Country Planning (Consultation) (England) Direction 2009, because of the size and location of the proposal it will need to be referred to the Secretary of State prior to any decision being issued.

Background Papers : Planning File 06/15/0325/F



Our ref: BS/CG

27<sup>th</sup> July 2015



FAO Mr Minns, Group Manager (Planning)  
Great Yarmouth Borough Council  
Planning Services  
Development Control  
Town Hall, Hall Plain  
Great Yarmouth  
Norfolk  
NR30 2QF

Dear Mr Minns

RE: Planning Application No: 06/15/0325/F  
Proposed Pasteur Retail Park

You may remember that I wrote to you with a strong objection to the previous scheme and as far as I can see, the arguments on which it was refused planning, are the same for this latest smaller scheme.

Great Yarmouth town centre is in a very delicate state. In fact things have deteriorated since last November as Marks & Spencer left the town centre in January. Customer perception has been severely dented and footfall has reduced.

The Borough Council have committed £1m to regenerate the town centre and there are some signs of future recovery with some new retail businesses due to open. It is very important that this very fragile recovery is not de-railed.

In my view, any extra out-of-town shopping will harm the town centre at this time. However, I think this particular scheme will be especially damaging because it has as its anchor a 'category killer' homewares retailer. We, at Palmer's, know the effect this particular retailer has, as we have experienced it in other locations. Although we would welcome any competition in the town centre, a store such as this in an out-of-town location would threaten the future of Palmer's Department Store, which has traded in the town centre for over 178 years.

I would welcome the opportunity to express these views in person at the Planning Committee meeting that considers this application.

Yours sincerely

BRUCE STURROCK  
Group Manager (Planning)  
Great Yarmouth Borough Council

THURHAM  
Great Yarmouth Borough Council

BURY ST EDMUND  
Great Yarmouth Borough Council

LOWESTOFT  
Great Yarmouth Borough Council

Registered Engineers No 1049006

## Internet Consultees

Application Reference 06/15/0325/F

Attachments

Invalid Consultee Comment? ☐Copy to existing Consultee? ☐

Name Mr M J Huke

Address Yarmouth Pet Stores

59/60, Victoria Arcade

Great Yarmouth

Post Code NR30 2NU

Telephone 01493 211111

Email Address m.j.huke@yarmouth.gov.uk

For or Against OBJ Object

Speak at Committee ☐

Subject Opposition to proposed panning application 06/15/0325/F

I strongly oppose these plans for further out of town retail development as they are a thinly disguised reapplication of 06/14/0109/F which will have the same impact.

This location will have a severe negative impact on the town centre which is suffering continued loss of traders with no significant uptake only pop up shops for the summer season.

Some of the current closures of retail outlets are due to the ever increasing on line sales pressure which is set to

Date Entered 28-07-2015

Internet Reference OWPC442

# Internet Consultees

Application Reference 06/15/0325/F

Attachments

Invalid Consultee Comment? ☐

Copy to existing Consultee? ☐

Name Mr M J Huke

Address Yarmouth Pet Stores

59/60, Victoria Arcade

Great Yarmouth

Post Code NR30 2NU

Telephone

Email Address

For or Against OBJ Object

Speak at Committee

continue resulting in lower demand for high street shops. It is therefore critical we do not encourage further out of town development.

With reference to THE REVISED PROPOSALS

2.5 Officers can ----

This paragraph is totally misleading in that it is not as stated a genuine bulky goods scheme. The items that should not be included are DIY goods, pets and pet supplies, household furnishings, homewares, electrical goods, vehicle accessories and parts, office supplies, hobbies/crafts, sports goods, all of which can be sold from any town centre

Date Entered 28-07-2015

Internet Reference OWPC442

Internet Consultees	
Application Reference	06/15/0325/F
<input type="button" value="Attachments"/>	
Invalid Consultee Comment?	<input type="checkbox"/>
Copy to existing Consultee?	<input type="checkbox"/>
Name	R Silver
Address	Cobholm Miniatures
	14 Broad Row
	Great Yarmouth
Post Code	NR301HT
Telephone	
Email Address	
For or Against	<input type="radio"/> OBJ <input type="radio"/> Object
Speak at Committee	<input type="checkbox"/>
<div>I object to this application as more out of town development will and is affecting the town center</div> <div>As a town center retailer myself I am noticing that less and less people are coming into Great Yarmouth not only for shopping but also tourism. There are lots of empty retail units in the town center need filling, we do not need more units- housing and industry yes not retail - on the outskirts of the town competing with retailers in the town.</div> <div>Also the road system in that area is most of the time at a grid lock and this also stops visitors to the town so if there</div>	
Date Entered	29-07-2015
Internet Reference	OWPC443

From: TRADITIONAL WAifs  
29 30, VICTORIA ARCADE  
GT. YARMOUTH.  
NR30 2NU

To: Planning Services  
Development Control  
GYBC

28/07/2015

Subject: Opposition to proposed planning application 06/15/0325/F

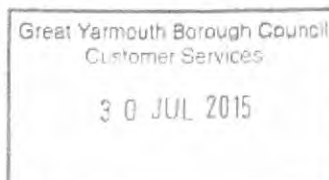
I strongly oppose these plans for further out of town retail development as they are a thinly disguised reapplication of 06/14/0109/F which will have the same impact. This location will have a severe negative impact on the town centre which is suffering continued loss of traders with no significant uptake only pop up shops for the summer season. Some of the current closures of retail outlets are due to the ever increasing on line sales pressure which is set to continue resulting in lower demand for high street shops. It is therefore critical we do not encourage further out of town development. With reference to THE REVISED PROPOSALS

2.5 Officers can ---

This paragraph is totally misleading in that it is not as stated a genuine bulky goods scheme. The items that should not be included are DIY goods, pets and pet supplies, household furnishings, homewares, electrical goods, vehicle accessories and parts, office supplies, hobbies/crafts, sports goods, all of which can be sold from any town centre. All the reasons for the previous scheme ( 06/14/0109/F ) being refused are valid for this one, refusal should be endorsed.

Yours faithfully

MARK SUBTHORP



From:

33/34 Victoria Road  
Great Yarmouth  
Norfolk NR30 2NU

To Planning Services  
Development Control  
GYBC

28/07/2015

Subject: Opposition to proposed planning application 06/15/0325/F

I strongly oppose these plans for further out of town retail development as they are a thinly disguised reapplication of 06/14/0109/F which will have the same impact. This location will have a severe negative impact on the town centre which is suffering continued loss of traders with no significant uptake only pop up shops for the summer season. Some of the current closures of retail outlets are due to the ever increasing on line sales pressure which is set to continue resulting in lower demand for high street shops. It is therefore critical we do not encourage further out of town development.

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Yours faithfully



Great Yarmouth Borough Council  
Customer Services

30 JUL 2015

From: "Sawent Dreams"  
 35, 36 Victoria Arcade  
 Great Yarmouth  
 NR30 2NU

To: Planning Services  
 Development Control  
 GYBC

28/07/2015

Subject: Opposition to proposed planning application 06/15/0325/F

I strongly oppose these plans for further out of town retail development as they are a thinly disguised reapplication of 06/14/0109/F which will have the same impact. This location will have a severe negative impact on the town centre which is suffering continued loss of traders with no significant uptake only pop up shops for the summer season. Some of the current closures of retail outlets are due to the ever increasing on line sales pressure which is set to continue resulting in lower demand for high street shops. It is therefore critical we do not encourage further out of town development.

With reference to THE REVISED PROPOSALS

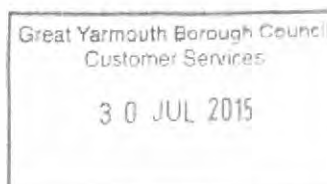
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All the reasons for the previous scheme ( 06/14/0109/F ) being refused are valid for this one, refusal should be endorsed.

Yours faithfully

N.B. Pappall



From

24 Beach Row

Great Yarmouth NR30 1HT

To Planning Services  
Development Control  
GYBC

28/07/2015

Subject: Opposition to proposed planning application 06/15/0325/F

I strongly oppose these plans for further out of town retail development as they are a thinly disguised reapplication of 06/14/0109/F which will have the same impact.

This location will have a severe negative impact on the town centre which is suffering continued loss of traders with no significant uptake only pop up shops for the summer season.

Some of the current closures of retail outlets are due to the ever increasing on line sales pressure which is set to continue resulting in lower demand for high street shops. It is therefore critical we do not encourage further out of town development.

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All the reasons for the previous scheme ( 06/14/0109/F ) being refused are valid for this one, refusal should be endorsed.

Yours faithfully

Laura C. C. C.





Internet Consultees	
Application Reference	06/15/0326/F
Attachments	
Invalid Consultee Comment?	<input type="checkbox"/>
Copy to existing Consultee? <input type="checkbox"/>	
Name	Christine Silver
Address	22 Century Road
	Cobholm
	Great Yarmouth
	Norfolk
Post Code	NR31 0BS
Telephone	C
Email Address	C
For or Against	Object
Speak at Committee	
<p>We do not need anymore out of town development, why build new when there are empty shops in the town centre? If this is given the go ahead it will take more people away from coming into town, they have no need if everything is outside with free parking! Keep it in town and make the first hour free for parking. There is also the wildlife that will lose their habitat along Jones Way, there are a lot of wild flowers, trees and insects, birds etc along that stretch of land. This will also make Pasteur Road even busier what with all the traffic that leaves the estate this will make matters worse! Please leave it alone - dont let them build!</p>	
Date Entered	28-07-2015
Internet Reference	OWPC440

## DEBENHAMS

Property Management, The Moor, Sheffield, S1 3LR  
Tel: 0114 289 5307 Fax: 0114 275 1164

Planning Services  
Development Control  
Great Yarmouth Borough Council  
Town Hall  
Hall Plain  
Great Yarmouth  
NR30 2QF

24<sup>th</sup> July 2015

Dear Sir/Madam

Land Adjoining to the East Jones (Gc) Way, Pasteur Road, Great Yarmouth, NR31 0DW

I would like to register my objection to the following planning application for the development at Pasteur Road, Great Yarmouth, NR31 0DW, application reference 06/15/0325/ Erection of a non food retail park comprising of 2 A1 units, 1 A3/A5 and 1 A3 units with car parking spaces and associated works.

The proposed development is clearly aimed at town centre type retailers and will compete for these with the town centre. This will make it all the more difficult to attract any new stores into the town centre, and may well result in some of the current national brands to re-locate to this development. With many of the town centre retail units vacant there seems little justification for additional retail space and any new shops looking to come to Great Yarmouth should be encouraged to consider the town centre location to fill these empty units.

I understand that this scheme would not fit in with the Council's Local Plan and does not satisfy the Government's 'Town Centre First' policy in that it would have without doubt a 'significant adverse effect' on Great Yarmouth town centre.

Yours faithfully

Karen Wanless  
Estates Manager

Jill K. Smith

---

From: Marty Rice [REDACTED]  
Sent: 13 July 2015 15:09  
To: plan  
Subject: Opposing plans for application 06/15/0325/F

This is an email referring to the planning application 06/15/0325/F

For many reasons, we still strongly oppose the plans to build *another* out of town retail park.

The footfall within the centre of town has drastically fallen over the past few years, especially since we have lost Marks and Spencer to Gapton Hall Retail Park, and enticing the public to shop even further out of town will eventually give them little to no reason to come in at all. This will affect all business', especially independents like ourselves, and won't encourage new shops or start ups from opening. This can already be seen by the current state of our town with a fairly large portion of our retail units empty and in a poor condition. Since we received this letter, we have lost 'The Body Shop' too!

The town should be the main area for retail activity with both shops and restaurants alike occupying the vacant units and providing the public with somewhere to both shop and eat throughout the day. However, with *another* 'out of town' retail park being planned, shoppers will have to travel between areas and are less likely to head towards the town centre, with rising parking charges and a lack of shops.

We strongly oppose these plans and definitely do not see any need for more retail units to be plotted across the Great Yarmouth area. We need to utilise the empty units within the town, not just Market Gates, and give young people the opportunity to start up a new business in a thriving, busy environment.

Yours,

Beverley and Marty Rice

Bizarre Bizarre, Great Yarmouth.



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

From

H. PIRARATT

21 RAUQUELIN HOUSE  
ST PETERS PLAIN  
G.T. YARMOUTH  
NR30 1PZTo Planning Services  
Development Control  
GYBC

28/07/2015

Subject: Opposition to proposed planning application 06/15/0325/F

I strongly oppose these plans for further out of town retail development as they are a thinly disguised reapplication of 06/14/0109/F which will have the same impact. This location will have a severe negative impact on the town centre which is suffering continued loss of traders with no significant uptake only pop up shops for the summer season. Some of the current closures of retail outlets are due to the ever increasing on line sales pressure which is set to continue resulting in lower demand for high street shops. It is therefore critical we do not encourage further out of town development.

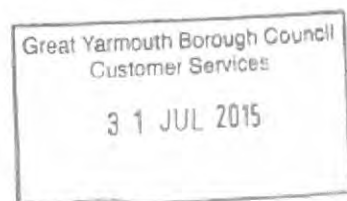
With reference to THE REVISED PROPOSALS

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All the reasons for the previous scheme ( 06/14/0109/F ) being refused are valid for this one, refusal should be endorsed.

Yours faithfully

From: PHILL KENNE  
GOLLESTON  
NORFOLK  
NR31 6HT

To: Planning Services  
Development Control  
GYBC

28/07/2015

Subject: Opposition to proposed planning application 06/15/0325/F

I strongly oppose these plans for further out of town retail development as they are a thinly disguised reapplication of 06/14/0109/F which will have the same impact.

This location will have a severe negative impact on the town centre which is suffering continued loss of traders with no significant uptake only pop up shops for the summer season.

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All the reasons for the previous scheme ( 06/14/0109/F ) being refused are valid for this one, refusal should be endorsed.

Yours faithfully

P. A. Lambott



S

Internet Consultees

Application Reference

Invalid Consultee Comment? ☐

Copy to existing Consultee? ☐

Name

Address

Post Code

Telephone

Email Address

For or Against

Speak at Committee

This is a good scheme which will provide much needed employment for the area. The future of the town centre should be for recreation and residential, as the size of units within the town centre are no good for the business we wish to attract to Great Yarmouth.

Date Entered  Internet Reference

Town Centre Partnership

Unit 5 Wilkinsons Yard  
Market Gates  
Great Yarmouth  
Norfolk  
NR30 2AX

Mr Dean Minns  
Group Manager  
Planning Services  
Development Department  
Great Yarmouth Borough Council  
Town Hall  
Hall Plain  
Great Yarmouth  
NR30 2QF



Great Yarmouth Borough Council  
Customer Services

27 JUL 2015

Dear Mr Minns,

**06/15/0325/F; Demolition of existing warehouse and erection non-food retail park of 3 A1 retail units, 1 A3/A5 and 1 A3 units with car parking and associated works.**

On behalf of the Town Centre Partnership's Retail Forum, I would like to register an objection to the above planning application for the development at 'Pasteur Retail Park', Pasteur Road, Great Yarmouth, NR31 0DW.

My comments are similar to those raised in response to the previous application by the same applicant made for 7 A1 units and restaurant/drive thru that was refused planning permission last year. The reasons given for the refusal was that the development would have an adverse impact on the existing town centres and the strategic ambitions of the Great Yarmouth Waterfront Area Action plan. There remains great concern amongst our members that the amended proposed development, albeit for fewer units, will still have a significant negative impact on an already fragile town centre that has seen footfall decline significantly as a result of similar developments on Capton Hall, Thamesfield Way and Tesco. The fact is that this application is not restricted to 'Bulky Goods' only and includes a retailer with a significant 'homewares' offer that will only weaken both Great Yarmouth and Gorleston town centres by attracting away much needed footfall and spend.

With 16% of town centre retail units currently vacant there seems little justification for additional out of town retail space and any new shops looking to come to Great Yarmouth should be encouraged to consider a town centre location to fill these empty units. The inclusion of 1 x A3/A5 and 1 x A3 units would also seem surplus to requirements, particularly as a similar A3/A5 permission granted as part of the recent Marstons Pub / Frankie and Benny development has still to be taken up on a site just a few hundred metres from the site of this proposal.

Within the Borough Council's local plan, Core Strategy 7 'Strengthening our centres', does not in any way suggest or support the development of a retail park in this location. The strategy sets out an aspiration for any future retail and mixed use development to take place along North Quay and The Conque to 'enable the centre to continue to compete with centres outside of the borough, out-of-town retailers and the internet'.



Great Yarmouth  
Town Centre Partnership

GREAT YARMOUTH  
**gyBID**  
BUSINESS IMPROVEMENT DISTRICT

CS7 also includes a reference from the Borough Councils Retail Study that any additional capacity for new 'non-food' floor space identified in the short to medium term "should be concentrated in Great Yarmouth town centre". If this guidance is not adhered to then it is unlikely that these aspirations will ever be realised if every time a development proposal outside of this aim is approved.

Ultimately the decision on whether to allow this development should be taken based on the impact it will have on the existing town centre's viability and vitality. In appraising this proposal the following aims set out in the Borough Council's own should be considered: If this development was to be approved would it in any way promote or make a contribution to any of the aims set out in CS7 to "safeguard the retail function and character of each centre, Primary, Secondary and Holiday Shopping frontages"?

Would this development "enhance the appearance, safety and environmental quality of the centre, encourage a diversity of uses within each centre enabling a wide range of retail, leisure, social, education, arts, cultural, office, commercial and where appropriate residential uses?

Would this development "Support small and independent businesses, including retaining and enhancing important local markets?

Would this development "promote the short and long-term reuse of vacant buildings"? Enhance the early-evening economy? Improve access to the centre by sustainable modes of transport, and encourage multi-purpose trips?

The answer to all the above is a resounding no, in fact this development is more likely to negatively impact each of the above aims by further reducing town centre footfall and demand for town centre premises, which will have a severe knock-on effect for the smaller independent traders that represent the majority of businesses (55%) trading in the town centre.

In respect of National Planning Policy Framework, it is clear that unless any development can demonstrate that it will not have a significant adverse effect on the existing town centre, it should not to be permitted. It must be abundantly clear to anyone visiting Great Yarmouth town centre in recent times that further expansion of the out of town retail offer would not just have a "significant adverse effect" it would severely impact the revival that Great Yarmouth town centre needs.

Yours sincerely,



Jonathan Newman

Town Centre Manager

Great Yarmouth Town Centre Partnership



Great Yarmouth  
Town Centre Partnership





Dean Minns  
Great Yarmouth Borough Council  
Town Hall  
Hall Plain  
Great Yarmouth  
Norfolk  
NR30 2QF

Your Ref: 06/15/0325/F  
Date: 4 August 2015

My Ref: 9/6/15/0325  
Tel No.: 01603 638009  
Email: liz.poole@norfolk.gov.uk

Dear Mr Minns,

**Erection of a non food retail park comprising of A1 units, 1 A3/A5 and 1 A3 unit with car parking spaces and associated works. Land adjoining to the East Jones (GC) Way Pasteur Road, Great Yarmouth, NR31 0DW.**

Thank you for your consultation dated 3 July 2015.

I have considered the information provided and have the following comments:-

The application is similar to Application Number 06/14/0109/F, however the quantum of development is less and the layout of the car parking has been modified accordingly.

According to Drawing No 12-174-P002 Rev G of the Design and Access Statement, the development will be accessed via a roundabout, however the Transport Statement makes reference to a signalised junction. The Highway Authority wishes to see the development accessed via a roundabout as was agreed for the first application and as is shown in the Design and Access Statement.

Provided a roundabout is the form of junction providing the access, the Highway Authority has no objection subject to the following conditions:-

**SHC 24:** Prior to the commencement of the use hereby permitted) the proposed access / on-site car and cycle parking / servicing / loading, unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

**Reason:** To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

**SHC 28:** Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been

## Informatives

**Inf.1:** It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the Applicants own expense.

**Inf. 2:** This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group. If required, street furniture will need to be repositioned at the Applicants own expense.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

If you have any further queries, please do not hesitate to contact me.

Yours sincerely

*Liz Poole*

Engineer - Major Developments  
for Executive Director for Community and Environmental Services

4 September 2015

The Savills logo consists of the word "savills" in a red, lowercase, sans-serif font, positioned on a bright yellow rectangular background.

Dean Minns  
Group Manager Planning  
Great Yarmouth Borough Council  
Town Hall  
Hall Plain  
Great Yarmouth  
Norfolk  
NR30 2QF

Matthew Williams  
E: mwilliams@savills.com  
DL: +44 (0) 121 634 8432  
F: +44 (0)

Innovation Court  
121 Edmund Street  
Birmingham B3 2HJ  
T: +44 (0) 121 633 3733  
savills.com

Dear Mr Minns

**Planning Applications on behalf of EOP II Prop Co S.a.r.l. (Ref: 06/15/0390) and Pasteur Retail Park Ltd (Ref: 06/15/0325/F)**

We are instructed by Ellandi LLP (Ellandi) to submit our comments in relation to the above mentioned planning applications by Pasteur Retail Park Ltd (PRP) (Application Ref: 06/15/0325/F) and EOP II Prop Co S.a.r.l. (EOP) (Application Ref: 06/15/0390). These applications are of significant interest to Ellandi, not least because of their notable implications for the health of Great Yarmouth Town Centre – the Borough's Main Town Centre.

The purpose of this letter is to outline Ellandi's views as to the acceptability of each proposal having regard to the NPPF and supporting guidance and to weigh in the balance the case for each scheme having regard to relevant material considerations including that of the Borough's emerging Core Strategy Local Plan (which is sufficiently advanced to be afforded great weight in the decision making process).

This assessment is informed by our in-depth understanding of the health of Great Yarmouth Town Centre and follows ongoing liaison with Great Yarmouth Borough Council and its partners regarding the steps that can be made towards securing a positive future for the Town Centre.

It also follows an ongoing objection by Ellandi in respect of Application Ref: 06/14/0109/F and a subsequent Appeal made by Pasteur Retail Park Ltd for the erection of seven retail units, restaurant and drive thru units with associated car parking at land owned by Pasta Foods. The rationale for this objection is that we consider the creation of a brand new retail park in this location would have a significant adverse impact on Great Yarmouth Town Centre. Moreover, the proposal conflicts with a number of relevant policies contained within the adopted Development Plan as well as relevant policies of the emerging Local Plan.

To summarise, and in respect of these latest applications for out of centre development, this letter concludes:

- That combined, the two application proposals would far exceed the floorspace proposed under refused Application Ref: 06/14/0109/F (with similar goods restrictions conditions proposed). There have been no material changes in circumstances which would favour these applications since the consideration and refusal of Application Ref: 06/14/0109/F and which would warrant reconsideration of this decision (including the health of Great Yarmouth Town Centre which has in fact declined since November 2014). In order to ensure consistency in decision making, it follows that GYBC would find the cumulative impacts of this amount of floorspace to be significantly adverse in line with its original decision in connection with Application Ref: 06/14/0109/F. Instead, a decision must be made as to whether it would be appropriate to allow just one of these schemes to come forward, taking into account the NPPF criteria for decision-making at Paragraph 14 which includes reference to the role of material considerations in weighing up the acceptability of a proposal.

- Ellandi object to both proposals in their current form, although it is acknowledged that the EOP proposal can be distinguished from the PRP application insofar as it relates to an existing retail unit within an established retail park and as such already has a call on local expenditure. Moreover we would envisage the EOP proposal has the scope to deliver the space that is required to accommodate both Dunelm and AHF – the two occupiers envisaged by PRP to take occupation of the new retail park on land owned by Pasta Foods.
- The EOP proposal is not however fully acceptable because it fails on a number of counts to appropriately restrict the types of goods and / or users that could take occupation of space within the rationalised B&Q unit. It is, in effect, an entirely speculative application with no named operators. In order to arrive at a position whereby Ellandi would not object to the EOP proposal, further consideration of the controls to be applied to the space should be undertaken. This includes the strengthening / refinement of the current proposed goods restriction condition and the removal of permitted development rights to safeguard against the insertion of mezzanines and future subdivision (dependent on end users if these can be confirmed). Further information is also required as to the anticipated tenant line up for the scheme and there is a need to expand upon the Applicant's proposed minimum unit size threshold (465 sq m). This is because as the proposal currently stands, more than four retail units could be created within the space - all of which will have the ability to sell a range of goods which will be in direct competition with Great Yarmouth Town Centre as we demonstrate below.
- In addition to the above, we note that the EOP application seeks to vary Condition 4 attached to an extant Planning Permission Ref: 06/98/0969 for the development of the B&Q unit and builders yard. However, the red line site location plan (Drawing No. PL-10) submitted by EOP in support of this application appears to cover only part of the existing B&Q retail unit – i.e. the area to be carved up into separate units. Whilst we understand the rationale for submitting the plan in this form, the correct approach in our view would be for the red line to echo that of the original red line plan which was Approved under Planning Permission Ref: 06/98/0969. Condition 4 would then be varied to permit the sale of a broader range of goods from the carved up space (as appropriate) and also to restate the existing DIY goods restriction that would remain applicable to the downsized B&Q unit. The decision notice would also repeat the relevant conditions from the original planning permission (alongside any new conditions), unless they have previously been discharged, as specified by Planning Practice Guidance (PPG) (Paragraph: 015 Reference ID: 17a-015-20140306). This would ensure there is no ambiguity associated with the Permission for the site.
- There are no material benefits associated with the PRP application which would in our view substantially outweigh the impact of the proposed development on Great Yarmouth, particularly when it is considered the proposal is outwith an established retail location, is far bigger than the EOP proposal and that the proposed 'bulky goods' condition put forward by the Applicant is not a bulky goods condition. Indeed, the Applicant's proposed condition would enable the sale of sports goods and supplies, hobbies and crafts and household furnishings. As we demonstrate below, the sale of such goods will compete directly with Great Yarmouth Town Centre on a like for like basis. Moreover, the proposal directly conflicts with the existing and emerging Development Plan which identifies the site (in part and as a whole) as an Existing Employment Site.
- If in the event EOP is able to overcome our concerns regarding the restrictions to be imposed on the rationalised B&Q unit and indeed the format of the application, we find there to be a clear and distinct rationale for GYBC to approve this application and not the PRP application. Namely:
  - the EOP proposal relates to an existing retail unit within an established retail park which already has a command over local expenditure;
  - conversely, the PRP site is allocated as an Existing Employment Site in the existing and emerging Development Plan – the Applicant has categorically failed to provide justification for the loss of employment land in this location;

- the EOP scheme could be regarded as more sustainable than that of the PRP scheme insofar as it offers the opportunity for linked trips within an existing retail park;
- the EOP scheme would have a lesser impact on the Borough's network of centres owing to its smaller size – furthermore it does not include additional A3 uses which would act as a further draw on trade, to the detriment of Great Yarmouth Town Centre;
- the EOP proposal will ensure the retention of B&Q thus preserving existing local jobs.

## Background to Representation

For information, Ellandi acquired Market Gates Shopping Centre in November 2013. Ellandi was formed in 2008 and is a leading specialist shopping centre investment and asset manager. Ellandi's approach is to proactively transform the towns in which it invests by working with occupiers and other stakeholders to ensure that its shopping centres perform a successful and vibrant role for the local communities that they serve. By pioneering a new form of shopping centres that are referred to as 'Community Shopping Centres', Ellandi is successfully increasing footfall for not only its shopping centres but the town centre as a whole. The effect is that where investment has already been made in its shopping centres Ellandi is securing a substantial positive effect on the vitality and viability of the associated town centre.

Market Gates is situated in the heart of Great Yarmouth Town Centre and in line with Ellandi's business model, provides a vital community shopping resource which is also popular with tourists and the local working population. Originally opened in 1976, it comprises a 2-storey covered centre of approximately 21,370 sq m and is situated at the southern end of Market Place. The Centre has been extended over time with the most recent extension in 2008 providing an additional 7,250 sq m for occupation by Debenhams and New Look amongst others.

A significant amount of funding has been set aside by Ellandi and its funding partner for improvements to the Shopping Centre itself. Works currently underway include a complete upgrade of the Centre's signage both internally and externally. Other elements progressing through to final designs include the replacement / upgrade of the mall ceilings, lighting and flooring, improvements to the external facade, the provision of solar energy, improvements to the car park and an ongoing commitment to attracting new retailers to fill vacant units.

Ellandi has also very recently secured planning permission for works to refurbish the southern entrance to the Shopping Centre to include a 485 sq m extension and the reorganisation of the existing layout to make more efficient use of the space available (Application Ref: 06/14/0828/F)<sup>1</sup> and to enhance the access from Regent Road and the Town Centre's main bus station. The proposal includes a new entrance area with escalators and a lift to improve connections with the first floor mall and improvements to the legibility and accessibility of the ground floor units.

As part of its wider objective to deliver improvements and contribute to the well-being of the Town Centre as a whole, Ellandi actively engages with the Great Yarmouth Town Centre Partnership (the Town Centre's Business Improvement District (BID)) whose remit is to promote the vitality and viability of the Town Centre and manage projects funded by the BID. Ellandi has also worked closely with Great Yarmouth Borough Council (GYBC) in connection with the emerging Core Strategy Local Plan to ensure that the policies contained within provide a positive and forward thinking strategy for Great Yarmouth Town Centre that fosters investor confidence which will ultimately improve its vitality and viability.

This engagement has been crucial in providing Ellandi and its partners with the comfort required to define its investment strategy for Market Gates which includes the projects which have commenced since the application by PRP for seven retail units (Application Ref: 06/14/0109/F) was refused in November 2014.

In addition to the commencement of Ellandi's investment programme, the following provides an overview of progress in the Town Centre made by Ellandi and others since the PRP application was refused:

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<sup>1</sup>Approved on 2 June 2015.

- replacement of Gamestation with Warren James at Market Gates and internal and external refurbishment as described above;
- final negotiations with x2 national high street operators to take space at the Market Gates Shopping Centre;
- planning permission secured for works to refurbish the southern entrance to Market Gates Shopping Centre with funding set aside to undertake the works;
- the freehold acquisition of the former Cooperative store in March 2015 (which has been vacant since 2010) to Edinburgh Woollen Mill (EWM) - Peacocks, Ponden Home Interiors and the Edinburgh Woollen Mill are all expected to take occupation of the premises in due course with planning permission now granted for works to the building to facilitate occupation<sup>2</sup>;
- public commitment to the Town Centre by GYBC through its Corporate Plan 2015-2020 (Investing in the Future of Great Yarmouth)<sup>3</sup> including:
  - major town centre initiative supported by Council investment to deliver a package of environmental and presentation initiatives and develop a long term strategy to plan key changes, and to guide investment, operational and marketing plans<sup>4</sup>;
  - working with shops and town centre businesses to plan initiatives designed to build confidence and kick-start a new phase of town centre reinvention;
  - supporting the Town Centre Partnership in the renewal of its Business Improvement District for the next five years;
  - engaging national experts to develop a masterplan for the development of the Town Centre and the surrounding 'central' area including North Quay and links to the train station – we understand that this will culminate in the preparation of x2 SPDs for the Town Centre and Waterfront Area<sup>5</sup>;
- significant progress towards the adoption of the Local Plan Core Strategy for Great Yarmouth which has now been through Examination and consulted upon a series of proposed Modifications – this sets GYBC's spatial vision and objectives for how the Borough will develop and grow in the future including a clear commitment to ensuring that major new retail development is directed towards Great Yarmouth Town Centre (Policy CS7).

The above are all indications that the Town Centre is in the first stages of recovery and is receiving the support and funding it needs to do this. This should however be set against the current health of Great Yarmouth Town Centre which, in our view, demonstrates that the Centre remains vulnerable and needs time to recover / benefit from the recent upturn in investor confidence. The importance of the Town Centre to the tourist industry should also not be forgotten.

Vacancies in the Town Centre were at an all time high at 7.5% above the UK national average in July 2014<sup>6</sup> and there have been a number of key losses from the Town Centre since this time including The Body Shop, Hughes Electrical and Marks and Spencer.

<sup>2</sup> Planning Permission and advertisement consent was granted on 7 July 2015 for alterations to the Coop unit Planning Application Refs: 06/15/0236/F and 06/15/0237/A

<sup>3</sup> Presented to Cabinet on 21 July 2015 – document approved.

<sup>4</sup> Funding approved at meeting of GYBC Cabinet on 11 February 2015

<sup>5</sup> We understand that Carter Jonas now been appointed to undertake this work and that an inception meeting is due to take place in the first week of August.

<sup>6</sup> GOAD Category Report, July 2014 – 92 vacant units out of 490 units – 18.78%. UK average = 11.32%.

Other recent losses include:

- M&Co;
- Dorothy Perkins;
- Gamestation;
- Thorntons;
- Stead and Simpson;
- Poundstretcher; and
- Burton.

A number of these stores are now represented in out of centre locations including the Pasteur Road area with many of the vacant units having been replaced by banks, small value retailers on short term leases and charity shops. Other stores (including Hughes Electrical, The Body Shop and Marks and Spencer) have yet to be re-occupied whereas others have lacked the investment needed to attract new / quality occupiers. This is not simply a matter of 'churn' (the stores that are leaving are not being replaced quickly enough as evidenced by the latest vacancy data) – it indicates a failure on the part of the Town Centre to fulfil its role as the main shopping destination for the local community and compete with the already extensive out of centre offer at Pasteur Road.

It is this decline that leads us to conclude that the health Town Centre remains in a vulnerable position and is highly sensitive to further inappropriate, out of centre competition – a view that is shared by key retailers in the Town Centre including Palmers and Debenhams, a major new investor (Edinburgh Woollen Mill), the Town Centre Partnership and the Council's own retail advisors Carter Jonas (formerly Strategic Perspectives).

Ellandi is keen to ensure that the Centre is able to build upon the positive steps that are being made towards a recovery for the Town Centre. This will of course take time, but given the Centre's vital community and tourist role, it is important that this is allowed to happen without being undermined by unsustainable out of centre development.

It is with the above in mind that Ellandi has taken the time to consider each proposal on its merits and to outline its views as to whether or not there is a planning case for either proposal to come forward.

## **Application Proposals**

### Application by EOP - B&Q Rationalisation

The first application by EOP seeks the variation of Condition 4 of Planning Permission Ref: 06/98/0969 to allow the sale of a wider range of goods from an existing B&Q unit and builders yard at Pasteur Retail Park. This, the Applicant asserts, is in order to facilitate the 'right sizing' of B&Q's existing warehouse operation and is part of a national programme of rationalisation of B&Q's larger stores across the UK.

The application follows a similar proposal at the site which was approved by GYBC in April 2008 under expired Planning Permission Ref: 06/06/0704/F albeit instead of three units, the Applicant states that this variation could accommodate up to four retail units within the existing footprint of the B&Q unit and builders yard to comprise a minimum unit size of 465 sq m.

The plans that support the application (namely Drawing No.s: PL-16 and PL-17) indicate that the newly created units to be 'carved' out of the B&Q could be arranged as follows:

- Unit A – 1,765 sq m
- Unit B – 802 sq m
- Unit C – 700 sq m
- Unit D – 470 sq m
- Total – 3,737 sq m (net)

The size of the remaining space to be occupied by B&Q does not appear to be confirmed.

The following condition is proposed by EOP and seeks to restrict the types of goods that can be sold from the unit:

*“Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any other Order revoking or re-enacting that order, the premises shall only be used for the sale of bulky comparison goods consisting of building and DIY products, garden products and plants, pets and pet supplies, home furnishings, electrical and gas products, vehicle accessories and parts, bicycles and cycle accessories, office supplies, computers and accessories and boating equipment (excluding boats) and any other goods which are ancillary and related to the main goods permitted.”*

We provide our detailed observations in relation to the above condition below. As a technical point however, it should be noted that the red line site location plan (Drawing No. PL-10) submitted by EOP in support of this application appears to cover only part of the existing B&Q retail unit – i.e. the area to be carved up into separate units. Whilst we understand the rationale for submitting the plan in this form, the correct approach in our view would be for the red line to echo that of the original red line plan which was Approved as part of the original Planning Permission. Condition 4 would then be varied to permit the sale of a broader range of goods from the adjacent space and also to restate the existing DIY goods restriction that would remain applicable to the downsized B&Q unit. The decision notice would also repeat the relevant conditions from the original planning permission (alongside any new conditions), unless they have previously been discharged, as specified by Planning Practice Guidance (PPG) (Paragraph: 015 Reference ID: 17a-015-20140306). This would ensure there is no ambiguity associated with the Permission for the site.

#### Application by PRP – Pasta Foods Proposal

The second application is submitted by PRP (Application Ref: 06/15/0325/F) and seeks the erection of a retail terrace providing 6,528 sq m (gross) (5,223 sq m (net)) of retail floorspace across three units, together with two restaurant units comprising 321 sq m (gross) (257 sq m (net)). The application is an amendment to a previously refused application for the erection of a seven unit retail park comprising two retail terraces and amounting to 8,999 sqm (gross) of retail floorspace (Application Ref: 06/14/0109/F). This application is currently the subject of an Appeal<sup>7</sup> which is due to be heard in October 2015.

The following condition is proposed by PRP in order to restrict the types of goods that can be sold from the proposal:

*“The premises hereby permitted shall only be used for the sale of bulky goods comparison goods consisting of building and DIY products, pets and pet supplies, furniture, carpets, floor coverings, household furnishings, electrical goods, vehicle accessories and parts, office supplies, hobbies and crafts, sports goods and kitchens and bathrooms and any other goods which are ancillary and related to the main goods permitted. The premises shall not be used for the sale of food or any goods not included in the first part of this condition and shall not be used for any other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior consent of the Local Planning Authority”.*

PRP asserts that tenants have been secured for all but one of the units with Dunelm having committed to Unit 1 and Anglia Home Furnishings committed to Unit 3. The two drive thru units are to be occupied by Costa and Burger King.

In contrast to the proposal by EOP, the site to which this application relates is not currently in a retail use - in

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<sup>7</sup> Savills submitted representations to the Inspectorate in respect of this Appeal on 24 July 2015 which sought to summarise Ellandi's ongoing **objection** to the proposal in the context of national planning policy and guidance as well as to highlight key changes to the development plan position and further material considerations that have come to light since the Application was determined on 11 November 2014 (which have a material bearing on the determination of this Appeal).



fact it is identified as an Existing Employment Site in the existing and emerging Local Plan which we address in more detail below.

It is also notable that the site of the second retail terrace under Application Ref: 06/14/0109/F has simply been removed from this application proposal with the layout of the site remaining as previously proposed but also including what looks to be service access to the area previously identified for the second retail terrace. It is apparent from this layout that the Applicant has every intention of bringing forward additional development here, once the principle of retail use in this location is established.

Before an analysis of the two proposals is undertaken, it is necessary to outline the Development Plan position, against which both proposals will need to be assessed. This is important because in both cases, both applicants have applied very little weight to the emerging Core Strategy Local Plan in the consideration of their respective proposals – an approach which is incorrect for the reasons we set out below and in any event it is for the Council to determine what weight is to be applied to the emerging Local Plan as set out below.

### **Development Plan Context**

Since the application by PRP was refused in November 2014, substantial progress has been made towards the adoption of the Great Yarmouth Core Strategy Local Plan (GYCSLP) which has now been through Examination and was the subject of a Proposed Modifications consultation between 11 May and 23 June 2015.

The Proposed Modifications are modifications made to the GYCSLP by the presiding Inspector to reflect the discussions at the Hearing Sessions which were held between 25 - 27 November 2014 and upon which all parties in attendance were in agreement on. With the exception of the retail capacity figures outlined in Policy CS7, these modifications reflect the latest position in terms of the emerging Development Plan strategy for the Borough.

Further, focused consultation is to take place in respect of the latest retail evidence prepared by Carter Jonas with comments invited up to Friday 4 September 2015. This will inform an update to the capacity figures cited at Policy CS7 in the Inspector's Proposed and Additional Modifications (May – June 2015). However, it is not expected that this consultation will significantly delay progress towards the adoption of the Plan (all other matters are resolved).

Moreover, it should be stressed that this revision to the retail capacity figure for comparison goods does not affect the basic premise of Policy CS7 which is to direct new retail development to Great Yarmouth Town Centre at the point capacity arises towards the end of the Plan period. Indeed, the updated evidence (27 July 2015) shows that there is still no forecast capacity for new comparison goods retail floorspace until 2021 and that the forecast capacity up to 2031 is 10,814 sq m net, which is only slightly higher than previously forecast in 2014 (8,742 sq m net). It remains therefore that any identified need can be met within the Town Centre as and when capacity arises, towards the end of the Plan period.

Based on the progress that has made in respect of the GYCSLP and only the minor amendments to Policy CS7 that are required, it is considered that great weight can now be afforded to the relevant policies contained within the emerging Plan (as modified and updated through the evidence) on the basis that these policies are significantly advanced and that the Plan is nearing adoption<sup>8</sup>. This is bearing in mind Para 216 of the National Planning Policy Framework (NPPF) which states that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given) – the GYBC Core Strategy Local Plan has been the subject of an Examination with adoption scheduled in for September / October 2015;

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<sup>8</sup> It is understood that the Council hopes to adopt the Plan in September 2015.

- 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) – it is understood the PRP has requested that the retail capacity figures cited in the modified Policy CS7 be revisited to ensure that they reflect the latest growth rate projections – this has now been undertaken by GYBC through its retail planning advisor Carter Jonas. Minor alterations to the figures are required, however they do not alter the premise of the GYCSLP - that there is limited short to medium term need to accommodate major comparison goods retail floorspace in the Borough and that in the longer term any identified need can be met within the Town Centre and in the Waterfront Area; and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given) – the Core Strategy Local Plan has been through Examination and is considered to be in compliance with the Framework - the Inspector has not raised any points of soundness in relation to the Plan as a whole or retail strategy specifically.

The Core Strategy Local Plan and the policies contained within should therefore hold great material weight in the determination of the application proposals and there is no reason in our view why the local authority would choose not to do so.

In more detail, the policies of particular relevance in respect of EOP and PRP's applications are as follows:

#### Policy CS2 - Achieving Sustainable Growth

Policy CS2 sets out the overarching locational strategy for sustainable growth in the Borough, with a view to creating resilient, self-contained communities and reducing the need to travel. This includes a requirement to ensure that new commercial development for employment, retail and tourism uses is distributed in accordance with Policies CS6, CS7, CS8 and CS16 (Policy CS2 (c)) and promote the development of two key strategic mixed-use development sites: the Great Yarmouth Waterfront area (Policy CS17) and the Beacon Park extension, south Bradwell (Policy CS18) (Policy CS2 (d)).

Policy CS2 (c) was added to this policy as part of the latest round of Proposed Modification consultation, thus emphasising the importance that is being placed upon ensuring the appropriate distribution of retail and employment uses in the Borough.

#### Policy CS6 - Supporting the Local Economy

Policy CS6 (b) refers to a number of existing local employment areas (areas within B Class Use) which are to be safeguarded unless certain criteria can be met in order to demonstrate their loss to an alternative use is appropriate. This includes PRP's site which is identified as Existing Employment Site EL02 - Gapton Hall Industrial Estate.

The policy was subject to a proposed modification in June 2015 but the primary objective to ensure that the loss of existing and future local employment areas is retained:

*"b) Safeguarding existing local employment areas identified in Table 11 and future local employment areas allocated in other Local Plan Documents for employment use. Alternative uses will only be allowed where it can be demonstrated that:*

- ~~there is a sufficient range of suitable and available employment sites in the local area;~~
- *there is a satisfactory relationship between the proposed use and any pre-existing neighbouring uses, without significant detriment to the continuation and amenity of existing or proposed uses;*
- *there is no commercial interest in the re-use of the site for employment, demonstrated by suitable marketing at an appropriate price for at least 18 months;*
- *a sequential viability test has been applied following the unsuccessful marketing of the site, based on the following sequence of testing: mixed use of the site that incorporates an employment-generating*

*use, then non-employment use”.*

The Inspector has not altered this policy and only sought comments on the deletion of the first assessment criteria. This relevant policy can therefore be afforded great weight as a material consideration in the determination of the PRP application, in accordance with Para 216 of the NPPF.

#### Policy CS7 - Strengthening Our Centres

Policy CS7, which defines the Borough’s retail strategy was subject to modification in May – June 2015 as follows:

*“Overall, the majority of town, district and local centres within the borough are performing well, despite the national economic downturn. To enable them to continue to compete with centres outside of the borough, out-of-town retailers and the internet, the Council will:*

- *focus future development and investment using the retail hierarchy in Table 12 below:*

**Table 12: Retail Hierarchy**

<b>Classification</b>	<b>Location</b>
Main Town Centre	Great Yarmouth
Town Centre	Gorleston-on-Sea
District Centres	Bradwell (Proposed) and Caister-on-Sea
Local Centres	Well defined groups of shops and services in the Borough’s villages and main towns, such as The Green, Martham, Bells Road, Gorleston and Northgate Street, Great Yarmouth

- *promote the extension of Great Yarmouth’s centre to include The Conge and parts of North Quay as a mixed-use development scheme ~~as part of the Great Yarmouth Waterfront Area Action Plan through Policy CS17 and the Great Yarmouth Waterfront Supplementary Planning Document;~~*
- *aim to improve the vitality and viability of our town and district centres by:*
  - *safeguarding the retail function and character of each centre. Primary, Secondary and Holiday Shopping frontages will be identified in the Development Policies and Site Allocations Local Plan Document where appropriate;*
  - *enhancing the appearance, safety and environmental quality of the centres;*
  - *encouraging a diversity of uses within each centre, enabling a wide range of retail, leisure, social, educational, arts, cultural, office, commercial and where appropriate, residential uses;*
  - *supporting small and independent businesses, including retaining and enhancing important local markets;*
  - *promoting the short and long-term reuse of vacant buildings;*
  - *enhancing the early evening economy;*
  - *improving access to the centre by sustainable modes of transport and encouraging multi-purpose trips;*
- *maintain and strengthen the role of local centres and local shops in the borough to better serve the*

day-to-day needs of local communities;

- ensure that all proposals for town centre uses outside defined centres demonstrate that there are no sequentially preferable sites available and that the proposal can be accessed by sustainable transport. Proposals over 200 sq m (net) will also be required to submit a Retail Impact Assessment demonstrating that there will be no significant adverse impact on existing designated centres, including those beyond the Borough boundary, such as Lowestoft”.

Further, minor Additional Modifications were made to the supporting text to Policy CS7 (not subject to consultation). The key aspects of this supporting text (as modified) is summarised below:

*Para 4.7.1 “Supporting the growth of retailing and other town centre uses, such as leisure and offices, is important for maintaining and enhancing the vitality and viability of our town, district and local centres. The borough’s town and local centres have been arranged into a hierarchy to signal their importance and the role they play. Generally, larger centres are more accessible, have a wider catchment and are appropriate locations for large developments that will attract a lot of people. In contrast, the local centres have a smaller catchment and are more suited to meeting the day-to-day needs of nearby residents”.*

*Para 4.7.2 “Great Yarmouth has the largest town centre in the borough and functions well as the main retail, commercial, cultural, educational and leisure destination for the borough. The centre has a critical mass of retailing and a sufficient catchment area to sustain significant new additions to its retail offer. Over a wider field, the most dominant centre competing with Great Yarmouth is Norwich, which due to the size of its shopping offer and quality of shopping experience, attracts significant retail expenditure from a wider geographical area, including from within the borough of Great Yarmouth. Lowestoft has a town centre that is similar in size to Great Yarmouth and draws some of its retail expenditure from the borough’s southern parishes”*

*Para 4.7.3 – “Directing large retail and leisure developments to the centre and appropriate edge-of-centre locations, such as The Conge and parts of North Quay, will help strengthen the centre’s role and function in the shopping hierarchy, diversify its offer and improve its attractiveness. This will enable it to better serve the needs of the borough and better compete with nearby centres, such as Norwich and Lowestoft”.*

*Para 4.7.11 – “In terms of food shopping, the Retail Study Capacity Refresh predicts that there is minimal forecast capacity over the short to medium term (i.e. up to 2026) for major new floorspace, with capacity increasing to between 2,152 sqm (net) and 4,305 sqm (net). However, the capacity for new food shopping floorspace would be reduced as and when existing retail commitments are completed”.*

*Para 4.7.12 – “The Retail Study Capacity Refresh also shows there to be no forecast capacity for new ‘non-food’ floorspace in 2016, rising only to a minimum of 484sqm (net) in 2021, 4,539sqm (net) in 2026 and 8,742 sqm (net) by 2031. It is considered that in the medium to long term, any new major floorspace should be concentrated in Great Yarmouth Town Centre. The Conge and North Quay will present the most appropriate locations for new mixed-uses, including retail, commercial and leisure uses. Encouraging a mix of compatible uses in the centres will also provide a stronger economic environment and will help stimulate a greater diversity of entertainment and evening activities. To ensure that this future retail development does not further constrain the transportation network around the town centre, the necessary transportation infrastructure should be provided in accordance with Policy CS16”.*

*Para 4.7.13 – “The NPPF suggests that applicants prepare impact assessments for edge-of-centre and out-of-centre retail and leisure developments over 2,500sqm gross as standard, allowing for lower targets to be set locally if required. The 2011 Retail Study recommends that any retail proposal over 200sqm (net) in an edge-of-centre or out-of-centre location should be accompanied by a retail impact assessment. This lower threshold reflects the current fragility of Great Yarmouth’s town centre, which is being squeezed by the increasing appeal of Norwich as a retail destination, the movement of many high street ‘fashion’ stores to out-of-centre locations and the ‘ring’ of large food stores outside of the town, which are impeding the flow of retail expenditure into the town”. (Savills emphasis)*

*Para 4.7.14 – “It is expected that a lower Retail Impact Assessment threshold will help to concentrate investment and development opportunities in the town centre by discouraging movement away from the town centre and make better use of town centre vacancies”.*

The amendments to the wording of the Policy and supporting text was necessary for the Plan to reflect the findings of the Retail Capacity Refresh 2014 which provided clear evidence that there is significantly less capacity for new retail development in Great Yarmouth than anticipated by previous drafts of the Core Strategy Local Plan.

In respect of comparison goods, it is anticipated that this supporting text will be updated to reflect the latest retail evidence prepared by Carter Jonas (July 2015) as follows:

*Para 4.7.12 – “The Retail Study Capacity Refresh also shows there to be no forecasted capacity for new ‘non-food’ floorspace in 2016, rising only to a minimum of 818 sq m (net) in 2021, 5,613 sq m (net) in 2026 and 10,814 sqm (net) by 2031. It is considered that in the medium to long term, any new major floorspace should be concentrated in Great Yarmouth Town Centre. The Conge and North Quay will present the most appropriate locations for new mixed-uses, including retail, commercial and leisure uses. Encouraging a mix of compatible uses in the centres will also provide a stronger economic environment and will help stimulate a greater diversity of entertainment and evening activities. To ensure that this future retail development does not further constrain the transportation network around the town centre, the necessary transportation infrastructure should be provided in accordance with Policy CS16”.*

The GYCSLP and the supporting evidence now provides an up to date, evidenced-based strategy for accommodating the plan-led retail need within the Town Centre, in accordance with the requirements of the NPPF. Notwithstanding the latest evidence prepared by Carter Jonas, there remains a clear intention on the part of GYBC to direct new retail development to Great Yarmouth Town Centre at the point capacity arises towards the end of the Plan period. It also reaffirms the Council’s latest position in regard to the health of its network of centres through setting a substantially lower threshold (200 sq m) for requiring an impact assessment, below the default 2,500 sqm set by the NPPF.

The implications of Policy CS7 and the supporting up to date evidence in the determination of the subject applications are clear – there is no need for further out of centre development in Great Yarmouth in the short to medium term. Therefore the spatial planning approach is that in the short to medium term any proposals for retail development should be accommodated within the Borough’s existing network of shopping centres and facilities without bringing forward further out of centre retail development, such as a new retail park on Pasteur Road. The eradication of vacancies in the Town Centre alone (comprising some 15,710 sq m<sup>9</sup>) would contribute significantly to meeting quantitative retail need across the whole Plan period.

As we have outlined above, great weight can be attributed to this policy and the supporting evidence in the determination of applications. Both applicants have failed to acknowledge this, having cited capacity figures from the Great Yarmouth Retail Study 2011 which is outlined in previous iterations of the GYCSLP. These figures are significantly out of date and cannot be relied upon in the determination of applications.

#### Policy CS17 - Regenerating Great Yarmouth’s Waterfront

Policy CS17 sets out GYBC’s strategic ambitions with regard to the Great Yarmouth Waterfront - one of two strategic sites that are deemed to be central to the delivery of the Plan (Para 4.2.16 of the Local Plan Core Strategy Revised Version of 2013 Submission Document incorporating the Main and Additional Modifications). The policy states that this area has the potential to become a vibrant urban quarter that utilises its rich heritage and prime urban riverside location to create a unique and high quality environment for housing, shopping and offices which is attractive to investors and visitors as well as new and existing residents.

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<sup>9</sup> GOAD Category Report dated 29 July 2014.

Central to the delivery of this scheme is an element of retail and leisure floorspace which would serve as an extension to the existing Town Centre offer. Specifically Policy CS17 (b) states that GYBC will identify appropriate development sites within the Waterfront Area for approximately 14,200 sq m of retail and leisure floorspace *“promoting the mixed-use regeneration of disused and other under-used sites (of which at least 5,050 sq m is anticipated to be delivered within the Plan period)”*.

This policy signals a clear commitment on the part of GYBC to meet a substantial element of the Borough’s retail need through the Waterfront Area scheme and is to be regarded as planned investment in the context of the impact test.

This commitment has recently been bolstered through the appointment of Carter Jonas to develop a masterplan for the development of the Town Centre and the surrounding ‘central’ area including North Quay and links to the train station. This will form part of a comprehensive Supplementary Planning Document to support development in the area.

### Emerging Local Plan Summary

The following conclusions can be drawn in respect of the relevant emerging Local Plan policies in the determination of EOP and PRP’s applications:

- that the policies contained within the GYCSLP and the associated up to date evidence base can be afforded great weight in the decision making process owing to their advanced stage of preparation;
- that the policies identify a clear and overarching strategy to direct new retail development to the Borough’s hierarchy of centres;
- that Great Yarmouth Town Centre remains vulnerable in the face of out of centre development and as such proposals for new retail development above 200 sq m in these locations will need to be accompanied by a retail impact assessment;
- that there is no plan-led requirement to deliver substantial comparison goods retail floorspace in the short to medium term - this aspect of Policy CS7 has been challenged by the PRP as part of the Proposed Modifications consultation however, Carter Jonas on behalf of GYBC has responded to the PRP’s requests and finds that the objectives of Policy CS7 remain unaffected – only a minor uplift to capacity is required towards the end of the Plan period;
- that in considering PRP’s revised proposal, there is a requirement to re-consider the site’s designation as an existing employment site which includes providing evidence that the site has been marketed for a period of 18 months - Policy CS6 policy has been tested at Examination and there are no outstanding objections to this policy;
- that there is a clear intention on the part of GYBC to deliver substantial retail development in the Great Yarmouth Waterfront Area.

It is with the above in mind we now turn to our analysis of the two application proposals.

### **Analysis**

A stand out point in relation to the consideration of both application proposals is that combined, the two schemes would provide up to 10,266 sq m gross (8,400 sq m net) of additional / re-purposed floorspace in an out of centre location. This is concerning because this amount of retail floorspace far exceeds that which was refused under Application Ref: 06/14/0109/F and is an amount of floorspace that the GYBC has very recently concluded will have a significant adverse impact on Great Yarmouth and Gorleston Town Centres, despite a proposal by the Applicant to restrict the type of goods that can be sold from the park.

The case against approving both applications is even more compelling when it is considered that additional weight to the high bar of great weight can now be applied to the emerging Local Plan Core Strategy as a material consideration in the decision making process. The latest evidence to support the emerging Plan clearly does not envisage a need for new comparison goods retail floorspace in the Borough in the short to medium term (up to 2021), with any capacity beyond this point capable of being met within the Town Centre. The retail strategy as set out in the GYCSLP would be significantly undermined if both applications were to be approved effectively rendering it unsound at the point of adoption. Moreover, the GYCSLP makes clear that in assessing applications for new retail development, the Council must ensure that there is no significant adverse impact on an existing designated centre (also a key test set out by the NPPF – another important material consideration in the determination of applications).

It therefore follows that a decision needs to be made as to whether it would be appropriate to allow just one of these schemes to come forward. In this case the key things to consider are:

- the health of the Borough's network of centres and therefore the extent to which each proposal will have an impact on the vitality and viability;
- the impact of each proposal on existing, committed and planned investment;
- the existing and emerging development plan position in respect of each site;
- other material considerations relevant to the determination of each application.

In respect of impact, we have the following observations:

#### Impact on Vitality and Viability

In their current form, neither application would be acceptable in terms of their likely impact upon the vitality and viability of Great Yarmouth Town Centre. This is largely due to the types of goods that each applicant is proposing to sell which in both cases are not exclusively sold from stores and facilities in out of centre locations. In the case of Great Yarmouth, there are a great number of stores which could find themselves to be in direct competition with either proposal on a like for like basis if either of the proposed restrictive conditions are accepted. This includes:

- Palmers Department Store
- Debenhams
- Wilko
- H Samuel
- Argos
- Poundland
- 99p Stores
- BHS (includes homewares)
- Normans Furniture
- The Linen Line
- CeX
- WHSmith
- AB Computers
- Yarmouth Pet Stores

This list is extended further when considering the condition put forward by PRP which would also permit the sale of sports goods and supplies and hobbies and crafts:

- Craftmania
- Noble Crafts
- Northgate Needlecraft
- More to the Point
- Knitters Knook

- Crafts Gifts and More
- JD Sports
- Trespass

The introduction of these competing comparison goods categories have the potential to threaten the future of stores and facilities within Great Yarmouth Town Centre with adverse implications for its vitality and viability.

In addition to the above, it should be highlighted that the conditions proposed do not in anyway prevent the relocation of existing Town Centre occupiers to the proposed retail floorspace (such as those listed above). Moreover, they would also allow incoming tenants, who are traditionally town centre occupiers to take space at the new floorspace serving to inhibit Great Yarmouth Town Centre's ability to attract new entrants.

This is most concerning in respect of the EOP proposal as with a minimum floorspace of 465 sq m there is nothing to prevent the carving up of the B&Q unit into more than four retail units – leading to far more efficient floorspace in this location and a size of retail unit which would more readily compete with the Town Centre. More controls relating to the reconfiguration of this space must be imposed if it is to be found acceptable.

Alternatively, there may well be scope for the space to be occupied by the tenants envisaged by PRP and to restrict the floorspace on the basis of these named operators. Whilst the introduction of a Dunelm unit in this location would be less than ideal, it would facilitate the downsizing of the B&Q unit through occupation of all vacated space by one operator. This would remove additional speculative floorspace in this location which would have been to the detriment of the Town Centre.

Whilst we do not dispute there are signs of recovery through recent planned and committed investment, this must be set against the context of the key indicators of health set out within the NPPF – a number of which point to the Town Centre being vulnerable. This includes:

- an increase in the number of vacant units from 81 units in July 2013 (16.53%) to 92 in July 2014,<sup>10</sup> representing 18.78% of all units in the Town Centre – 7.46% above the national average;
- the loss of two national operators from the Town Centre since the last GOAD survey was undertaken - The Body Shop and Marks and Spencer and one local retailer – Hughes Electrical - all three units remain vacant;
- the nature of retail representation and lack of choice within the Town Centre following the departure of the above stores and a number of additional stores in 2013/14 - vacated stores have been replaced in the main with charity shops, value retailers, stores on temporary rents, banks and building societies;
- 3% decline in footfall across the Town Centre when compared with 2014 figures (a figure confirmed to us by the Town Centre Partnership);
- ongoing lack of investment in existing stores (which is required to attract new, quality retailers to the Centre) and the need for general environmental enhancements across the Centre including Market Square; and
- decline in Zone A rents since 2011 (Commercial Yields on Non-Domestic Property – Source: EGi (accessed July 2015)).

Set against this backdrop of ongoing decline, it is therefore reasonable to assume that the proposals represent a significant threat to the vitality and viability of the Town Centre.

To elaborate, the applicants both cite low impact figures arising from their respective quantitative

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<sup>10</sup> GOAD Category Reports dated 30 July 2013 and 29 July 2014 respectively.



assessments of impact. This is however misleading, not least because this figure serves to mask the likely impacts of the proposal due to the comparison goods turnover of Great Yarmouth being approximately 9-10 times higher than the proposals combined. In this case, the quantitative impact figure must be viewed with caution and set against the current health of the Town Centre, bearing in mind Planning Practice Guidance which states that:

*“a judgment as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact”* (Paragraph: 017 Reference ID: 2b-017-20140306).

This infers that a judgment as to the qualitative impact of the proposal is necessary in the context of assessing impact and in this case entirely justified to demonstrate that the proposal will have a significant adverse impact on the Town Centre.

As we have set out in previous representations, the proposals, if not properly controlled, represent a significant threat to the Town Centre. Allowing either proposal on the basis that the impact assessment generates a ‘low impact figure’ is hazardous from a precedent setting perspective. This is best illustrated if you were to quadruple the size of the proposed developments utilising the same trade draw assumptions utilised by Strategic Perspectives (now Carter Jonas) in its assessment of the proposal. This would only serve to increase the cumulative trade diversion impact on Great Yarmouth by 2-3%. Whilst this is a fairly crude assessment, it illustrates quite clearly that a) the quantitative assessment grossly underestimates the influence of the proposal on Great Yarmouth and fails to reflect the realities on the ground; and that b) even the impacts of a circa 40,000 sq m retail park on the outskirts of Great Yarmouth would be masked significantly by the relative turnover of Great Yarmouth.

As we have demonstrated above, the proposed conditions for restricting the sale of goods provides very little comfort that the proposed retail floorspace will not compete with stores and facilities in the Town Centre on a like for like basis – a concept introduced by the Planning Practice Guidance at Paragraph 016 (Reference ID: 2b-016-20140306) and that applies in this instance as a number of stores in the Town Centre are of a comparable scale, sell similar goods and have national presence.

This includes Ponden Home which is due to take occupation of the former Cooperative unit later this year as well as Debenhams, Wilko, 99p Stores and Poundland. It also includes Palmers Department Store which has been operating from the Town Centre since 1837 and stocks a variety of branded furnishings, homewares, linens and cookware<sup>11</sup>.

#### Impact on Existing, Planned and Committed Investment

In addition to the above, neither Applicant has sought to properly address the likely impact on existing, committed and planned investment. In the case of Great Yarmouth Town Centre, as we have referred to above, there are a number of town centre developments or investments that are planned for Great Yarmouth Town Centre which have been announced since the PRP application was refused in November 2014.

It is not a coincidence that these positive steps towards recovery have occurred since the subject Application was refused and the Local Plan has put forward a robust strategy for supporting the plan-led regeneration of the Town Centre.

The first is the announcement that Edinburgh Woollen Mill (EWM) have acquired the freehold interest in the former Cooperative building in Market Place which will be reconfigured to accommodate three new retailers - an Edinburgh Woollen Mill, Ponden Home and Peacocks. This development represents a significant investment as it will allow for the re-occupation of a landmark building in a location which has been in decline since the store was vacated in 2010. On the basis that the building has now been acquired by EWM and that substantial progress has been made to facilitate its occupation by the three retailers, this investment can be

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<sup>11</sup> <http://www.palmerstores.com/>

regarded as 'committed' taking into account the key considerations set out in Planning Practice Guidance at Para 016 (Reference ID: 2b-016-20140306):

*"Where wider town centre developments or investments are in progress, it will also be appropriate to assess the impact of relevant applications on that investment. Key considerations will include:*

- *the policy status of the investment (i.e. whether it is outlined in the Development Plan)*
- *the progress made towards securing the investment (for example if contracts are established)*
- *the extent to which an application is likely to undermine planned developments or investments based on the effects on current/ forecast turnovers, operator demand and investor confidence."*

The nature of the tenant line-up at the reconfigured store (which is to include the sale of home furnishings and homewares at Ponden Home) is such that we consider the application proposals will have a significant adverse impact on the ability of this investment to trade to its full potential, something which we understand EWM have expressed concern about through discussions with the Town Centre Partnership. Indeed, if Dunelm (or a similar operator) were to take occupation at either proposal, this will compete on a like for like basis with Ponden Home – both operators have a national presence and sell the following goods:

- duvet sets;
- bedspreads;
- bed accessories;
- sheets;
- pillowcases;
- quilts;
- pillows;
- mattress protectors;
- ready made curtains;
- cushions;
- throws;
- storage;
- towels;
- bath mats; and
- laundry items<sup>1213</sup>.

The second investment for consideration relates to the ongoing work by Ellandi to improve the overall offer at Market Gates in order to attract new retailers to the Centre and to encourage increased trips to the Town Centre as a whole.

The fact that Ellandi acquired the Centre in 2013 represents in itself a significant existing investment which cannot be ignored. Further investment has taken place since 2013 which includes improvements to internal wayfinding and refreshed branding for the Centre (occurred before the Appeal emerged). Additional funding has also been committed for works to the southern entrance which was granted planning permission in June 2015 as well as further external enhancements to include the potential recladding of existing elevations and new glazing. A scheme of external signage incorporating the Centre's refreshed branding has also been approved by GYBC and commissioned by Ellandi. Lastly, we can advise that Ellandi is in advanced negotiations with x2 national high street retailers to take occupation of Market Gates which has involved significant time and money and will necessitate fit out costs etc.

Collectively, these works can be regarded as significant existing, planned and committed development – all of which will be undermined should the proposals be allowed to come forward without proper scrutiny. The anticipated effects could include:

<sup>12</sup> <http://www.pondenhome.co.uk/>

<sup>13</sup> <http://www.dunelm.com/>

- the loss of existing tenants through closure due to loss of trade or relocation to the application sites (or other out of centre space 'freed up' through relocation to the new retail floorspace);
- difficulty in attracting new tenants to the scheme due to increased supply and cheaper rents at Pasteur Road;
- reduced footfall across the Town Centre due to improved provision elsewhere.

These types of effects serve to significantly undermine Ellandi's ability to justify further expenditure at Market Gates and thus puts at risk its existing, planned and committed investment.

In addition to the above mentioned private investment, progress has also been made by GYBC to put in motion a programme of investment in Great Yarmouth Town Centre through the Town Centre Initiative. It is understood that funding for this initiative has been secured following Cabinet approval in February 2015 and a public commitment to the initiative has been made through the GYBC Corporate Plan 2015-2020 which was consulted upon during 2014 and approved at Cabinet on 13 July 2015.

The commitment outlined in the Corporate Strategy is to refocus interest in the Town Centre in the short term and to develop a long term vision of how the Centre can be commercially attractive and viable. The initiative is supported by committed Council funding and is intended to deliver a package of environmental and presentation initiatives and develop a long term strategy to plan key changes, and to guide investment, operational and marketing plans. Central to this long term vision includes the renewal of the Business Improvement District for the next five years and the recent appointment of Carter Jonas to develop a masterplan for the development of the Town Centre and the surrounding Waterfront Area.

The recent announcements by GYBC in respect of the Town Centre Initiative represent a significant long term commitment to investing in the Town Centre and supports the spatial strategy for sustainable development set out in the soon to be adopted Local Plan.

The announcements also represent significant progress in terms of the status of the investment insofar as GYBC has set aside funding for the Town Centre Initiative and has now instructed consultants to undertake the necessary review of the Centre to bring about its recovery.

This work forms the overarching strategy for the Town Centre as advocated by the NPPF / Local Plan Policy CS7 (amongst others), which can only be properly executed if it is given time to be implemented. The proposals pose a significant threat to the success of this initiative, not least because they will serve to detract the focus of investment away from the Town Centre and deliver a substantial quantum of the planned retail capacity for Great Yarmouth now and not as directed by the emerging local Plan later in the Plan period.

It is with the above in mind that we are able to conclude that either proposal in their current form could have a significant adverse impact on a series of existing, committed and planned investments in Great Yarmouth Town Centre and on this basis fails the first test of impact set out at NPPF Para 24.

### Impact Conclusions

In weighing up the individual proposals, we note that the PRP proposal would lead to a far greater increase of retail floorspace than that of the EOP proposal, in a non-established retail location (with potential for future extension if retail uses are established). The impact of this proposal on the Town Centre would therefore be far greater than that of the proposal by EOP, especially if it is considered that the retail floorspace to be taken by named occupiers of the PRP scheme could be accommodated within the EOP scheme. Moreover, and whilst the EOP proposal in its current form is unacceptable (there are no named operators and there are insufficient controls in regard to the types of goods that can be sold and the number of retail units that can be created) – we acknowledge that the site to which this application relates is already in a retail use albeit with a lower turnover attributed to the leftover B&Q space than would be created by occupation of a separate retailer(s).

Further impact on the Town Centre would also be attributable to the PRP scheme owing to the additional A3

uses that are proposed. Both Burger King and Costa are represented in the Town Centre, are relatively new to the Centre and have made substantial inroads in terms of improving customer dwell time. Moreover, they have assisted in allowing the Centre to survive as a community facility. Placing A3 uses in an out of centre location will enhance the attraction of the PRP park and remove another reason for shoppers to visit the Town Centre. This will not only result in a loss of trade to the A3 occupiers in the Town Centre but it will also increase the patronage of the retail park increasing the likelihood of people diverting their trade to the retail park from the Town Centre.

### The Development Plan

In regard to the existing and emerging Development Plan, we note that PRP has failed to provide justification for the loss of employment land in this location. This includes the need to provide evidence that:

- there is no commercial interest in the re-use of the site for employment, demonstrated by suitable marketing at an appropriate price for at least 18 months – the site has never been marketed;
- a sequential viability test has been applied following the unsuccessful marketing of the site, based on the following sequence of testing: mixed use of the site that incorporates an employment-generating use, then non-employment use – no viability exercise on this basis has been undertaken.

On the basis of the above the PRP application proposal clearly conflicts with the existing and emerging Development Plan.

In respect of emerging Policy CS6, it is important to highlight that the Inspector has not altered the policy and in his Modifications only sought comments on the deletion of the first assessment criteria of the Policy. There are also no outstanding policy objections to this policy. This relevant policy can therefore be afforded great weight as a material consideration in the determination of this Appeal in accordance with Para 216 of the NPPF.

PRP has previously asserted that the site is not viable for employment uses or a form of mixed-use development as required by Policy CS6. However, this position simply amounts to assertion on the Applicant's behalf. The Applicant has not marketed the site to date to provide the evidence called for by Policy CS6.

The repercussions of accepting a vacant and cleared employment site as unviable for economic development without the supporting evidence called for by Policy CS6 would be severe and likely lead to substantial loss of other employment land within the local area. This is because much of the land required to meet future employment land supply is comparable to the application site. Therefore, as required by Policy CS6, it is appropriate for the market to determine if a site can deliver employment uses which can only be robustly tested if a site is made available at a reasonable price, not a price with hope value for alternative uses.

There is no such allocation in connection with the EOP application site (i.e. the EOP proposal is not subject to the same policy allocation and therefore material consideration in relation to the loss of employment land).

### Material Considerations

In both cases, the Applicants assert that there are benefits to the scheme which should be afforded weight in the determination of their respective applications. This largely relates to the creation of jobs and the economic benefits associated with each proposal which we review in more detail below.

#### *PRP Application*

PRP has across its various submissions cited the following benefits with the proposed development which it considers to be material to the determination its proposal:

- providing investment;

- creating jobs;
- regenerating a brownfield site;
- improving choice and competition;
- retaining expenditure that is currently leaking elsewhere.

What PRP'S assessment of benefits fails to highlight is that the majority of these benefits will be at the expense of Great Yarmouth Town Centre which is GYBC's priority location for delivering investment, brownfield regeneration and the creation of new jobs in the Borough, as specified in its emerging Local Plan. Any new jobs to be created must be treated with caution as the significant adverse impacts on Great Yarmouth Town Centre and the relocation of existing retailers to the retail park / closure of Town Centre stores will substantially lower this figure (as jobs are either redistributed or lost as a result of the proposal).

Moreover, there is no evidence to support the assertion that the scheme will enhance consumer choice and competition in the spirit of NPPF. There is no identified shortfall in retail warehouse provision in the Borough, or the range of goods that the scheme would be able to sell – quite the opposite in fact when in and out of centre retail provision is considered. Moreover, the type of competition that the scheme will bring about would only serve to dilute existing provision in the Town Centre and significantly undermine existing operators which will be competing with the scheme directly.

In addition, any assertion that either scheme will serve to claw back expenditure to the Borough is also disingenuous and conflicts with the available evidence:

- an interrogation of the household survey data which supports the Great Yarmouth Retail Study (2011) reveals that the majority of the comparison goods leakage from Great Yarmouth's Core Catchment Area is to Norwich City Centre - a higher order, regional centre which caters for a much wider catchment and is a major centre for employment (key retailers in Norwich include John Lewis, House of Fraser, Apple Store and Cath Kidston). It is also not the intention of the NPPF to claw back trade from a town centre location to an out of centre retail park;
- the highest proportion of this leakage can be attributed to clothing and footwear expenditure – the extent of this expenditure leakage is not however considered to be critical at 39% (taking into account Norwich City Centre's higher order status);
- the subject proposal is not appropriately located nor is it of a sufficient scale to bring about the step change that would be required to claw back trade from Norwich City Centre and to attract the type of retailers referred to above (even if this was identified as being required by the Local Plan – which it is not);
- as stated above, this 'step change' or increase in market share is not planned for by the emerging Local Plan Core Strategy on the basis that Great Yarmouth serves a much more local catchment and is not deficient in any goods categories when considering the provision of retail in the Town Centre and retail parks;
- accordingly there is no argument to be progressed that there is a need to improve choice and competition (particularly competition in a retail park location when this should be directed to competitive town centres);
- the retention rates for bulky goods / retail warehouse provision in Great Yarmouth's Core Catchment Area are very high and do not suggest a requirement to claw back expenditure as the Applicant implies:
  - furniture, carpets and other floor coverings – 69.32%
  - hardware, DIY goods, decorating supplies and garden products – 94.7%;
  - audio-visual and electrical equipment – 84.4%
  - small goods for the home – 89.9%

- large domestic electrical items – 87.7%
  - pets and pet products – 91.9%
  - all other non food goods – 79.8%
- the remaining trade is drawn predominantly to Norwich City Centre (not, we would add, to its out of centre retail parks which would be comparable to the application proposals) – this is hardly surprising taking into account the nature of retailing in this location (John Lewis and House of Fraser for example provide a wide range of goods for the home).

To illustrate this point in more detail, we set out below the market shares for retailing in Great Yarmouth's Core Catchment Area which have been extrapolated from the Great Yarmouth Retail Study (2011):

**Figure 3 – Comparison Goods Market Shares**

	Core Catchment Area (CCA)	Norwich City Centre (Draw from CCA)	Norwich Out of Centre (Draw from CCA)
Clothes and Footwear	61.0%	34.6%	0.0%
Furniture, Carpets and Other Floor Coverings	69.32%	15.8%	6.6%
Hardware, DIY Goods, Decorating Supplies and Garden Products	94.3%	15.8%	6.6%
Audio-Visual and Electrical Equipment	84.4%	13.2%	1.9%
Small Goods for The Home	89.9%	7.9%	0.3%
Large Domestic Electrical Items	87.7%	8.4%	1.1%
Pets and Pet Products	91.9%	0.0%	0.4%
All Other Non Food Goods	79.8%	13.1%	0.0%

In respect of the redevelopment of brownfield land and in the context of the PRP proposal, this should not attract weight in this case as the land needs to be tested first through marketing for the development of employment uses. The sites that are allocated in the soon to be adopted Local Plan for retail development are also brownfield land and will bring about far greater regeneration benefits than the limited job provision suggested for the application proposals.

Underlining this is our conclusion that the application proposal conflicts with the relevant policies of the adopted Development Plan (as well as the relevant policies of the emerging Local Plan which currently have

great weight and will have full weight if adopted at the point the application is determined).

### *EOP Application*

In respect of the benefits / material considerations cited by the Applicant in relation to the EOP proposal, our conclusions are largely similar to those outlined above where job creation / investment is concerned. There are however a number of additional considerations associated with the EOP proposal which serve to distinguish the scheme from the PRP proposal:

- the EOP proposal relates to an existing retail unit within an established retail park which already has a command over local expenditure;
- the EOP scheme could be regarded as more sustainable than that of the PRP scheme insofar as it offers the opportunity for linked trips within an existing retail park;
- the EOP scheme would have a lesser impact on the Borough's network of centres owing to its smaller size – furthermore it does not include additional A3 uses which would act as a further draw on trade, to the detriment of Great Yarmouth Town Centre;
- the EOP proposal would ensure the retention of a B&Q operation in Great Yarmouth thus preserving existing local jobs (we would wish to see confirmation from B&Q to this effect before the application is determined); and
- the EOP proposal could be subject to further reasonable restrictions on unit size, permitted development rights and range of goods which would further reduce its potential impact on centres.

### **Conclusions**

In conclusion, the two application proposals combined would far exceed the floorspace proposed under refused Application Ref: 06/14/0109/F (with similar goods restrictions conditions proposed). There have been no material changes in circumstances which would favour these applications since consideration and refusal of 06/14/0109/F and which would warrant reconsideration of this decision (including the health of Great Yarmouth Town Centre which has in fact declined since November 2014). In order to ensure consistency in decision making, it follows that GYBC would find the cumulative impacts of this amount of floorspace to be significantly adverse in line with its original decision in connection with Application Ref: 06/14/0109/F. Instead, a decision must be made as to whether it would be appropriate to allow just one of these schemes to come forward, taking into account the NPPF criteria for decision-making at Paragraph 14 which includes reference to the role of material considerations in weighing up the acceptability of a proposal.

Ellandi object to both proposals in their current form, although it is acknowledged that the EOP proposal can be distinguished from the PRP application insofar as it relates to an existing retail unit within an established retail park and as such already has a call on local expenditure. Moreover, we would envisage the EOP proposal has the scope / flexibility to deliver the space that is required to accommodate both Dunelm and AHF – the two occupiers envisaged by PRP to take occupation of part of the new retail park on land owned by Pasta Foods. Whilst the introduction of a Dunelm unit in this location would be less than ideal, it would facilitate the downsizing of the B&Q unit in through occupation of all vacated space by one operator. This would remove additional speculative floorspace in this location which would have been to the detriment of the Town Centre.

The EOP proposal is not however fully acceptable because it fails on a number of counts to appropriately restrict the types of goods and / or users that could take occupation of space within the rationalised B&Q unit. In order to get to a position whereby Ellandi would not object to the proposal, further attention would need to be paid to the controls that are applied to the space. This includes the strengthening / refinement of the current proposed goods restriction condition and the removal of permitted development rights to safeguard against the insertion of mezzanines and future sub-division (dependent on end users if these can be confirmed). Further information is also required as to the anticipated tenant line up for the scheme and there is a need to expand upon the Applicant's proposed minimum unit size. This is because as the proposal currently stands, more than four retail units could be created within the space - all of which will have the ability to sell a range of goods which will be in direct competition with Great Yarmouth Town Centre.

In addition to the above, we note that the EOP application seeks to vary Condition 4 attached to an extant Planning Permission Ref: 06/98/0969 for the development of the B&Q unit and builders yard. However, the red line site location plan (Drawing No. PL-10) submitted by EOP in support of this application appears to cover only part of the existing B&Q retail unit – i.e. the area to be carved up into separate units. Whilst we understand the rationale for submitting the plan in this form, the correct approach in our view would be for the red line to echo that of the original red line plan which was Approved under Planning Permission Ref: 06/98/0969. Condition 4 would then be varied to permit the sale of a broader range of goods from the carved up space (as appropriate) and also to restate the existing DIY goods restriction that would remain applicable to the downsized B&Q unit. The decision notice would also repeat the relevant conditions from the original planning permission (alongside any new conditions), unless they have previously been discharged, as specified by Planning Practice Guidance (PPG) (Paragraph: 015 Reference ID: 17a-015-20140306. This would ensure there is no ambiguity associated with the Permission for the site.

Conversely, there are no material benefits associated with the PRP application which would in our view substantially outweigh the significant adverse impact of the proposed development on Great Yarmouth, particularly when it is considered the proposal is outwith an established retail location, it is larger than the EOP proposal and that the proposed 'bulky goods' condition put forward by the Applicant is not a bulky goods condition. Indeed, the Applicant's proposed condition would enable the sale of sports goods and supplies, hobbies and crafts and household furnishings. As we demonstrate above, the sale of such goods will compete directly with Great Yarmouth Town Centre on a like for like basis. Moreover, the proposal directly conflicts with the existing and emerging Development Plan which identifies the site (in part and as a whole) as an Existing Employment Site.

If in the event EOP is able to overcome our concerns regarding the impact of the proposal on Great Yarmouth Town Centre through revisions / additions to the proposed restrictions and provide more details as to the format of the retail unit / tenant line up, we consider there is a rationale for GYBC to approve this application and refuse the PRP application. These revisions / additions should include:

- revision to red line site location plan and retention of DIY goods only condition in respect of the down-sized B&Q unit;
- where new units are to be created, a floor plan to be approved as part of the application (therefore setting the size of units) with further conditions restricting future subdivision horizontally and vertically (mezzanines) through the removal of permitted development rights;
- the setting of a minimum unit size of over 1,000 sq m to differentiate occupier space from many units that are available within Great Yarmouth Town Centre;
- confirmation from the Applicant as to whether the scheme could accommodate Dunelm and / or AHF;
- where Dunelm is not being targeted, removal of the ability to sell home furnishings to prevent significant adverse impact upon Great Yarmouth Town Centre – this would ensure the scheme is more akin to a traditional bulky goods retail warehouse operation.

I trust you will find these comments to be of assistance. Should you have any queries regarding the above, please do not hesitate to contact me.

Yours sincerely



**Matthew Williams**  
Director

Cc Kim Balls (Senior Planner - Policy)