

Reference: 06/13/0744/F

Parish: Great Yarmouth

Officer: Mr G Clarke

Expiry Date: 22-04-2014

Applicant: Marstons Inns & Taverns

Proposal: Full application for public house/restaurant, access, car parking and associated works and outline application for coffee drive-through restaurant.

Site: Land off Jones (GC) Way
Great Yarmouth

REPORT

1. Background / History :-

- 1.1 The site involved in the application is an area of land between Jones (GC) Way and the A12 to the south of the Tesco Store. The access will be from Jones (GC) Way using the existing spur road entry which is currently shut off with concrete blocks.
- 1.2 The application has been submitted in two parts, a full application for the public house/restaurant which is to be sited towards the southern end of the site near the roundabout on Pasteur Road and the access road and an outline application for a coffee drive through restaurant which will be sited at the northern end near to the Tesco roundabout.
- 1.3 Between the two proposed buildings there is an area of land fronting Jones (GC) Way which is subject to a separate application for a restaurant (ref:06/14/0021/F).
- 1.4 In the outline application for the Tesco store which was submitted in 1996 (06/96/0178/O), the application site and the adjoining land to the south were shown as a site for five "employment generating developments" in other words these units were to be used for office/warehouse/industrial purposes. A possible layout was shown on the submitted drawing but no further details were ever received.

2. Consultations :-

- 2.1 Norfolk County Council Highways – No objection subject to conditions.
- 2.2 Highways Agency – No objection.
- 2.3 Anglian Water – No objection.
- 2.4 Norfolk Constabulary – General advice regarding site security and feels that the development would be able to achieve a Secured by Design Award.
- 2.5 Environment Agency – Raises a holding objection in the absence of an acceptable Flood Risk Assessment (FRA). This objection is on the basis that 1) the FRA fails to demonstrate how the proposed surface water drainage scheme will prevent an increase in flood risk elsewhere as the plan is to discharge the surface water to the nearby IDB watercourse at significantly above the existing Greenfield runoff rates without their consent, and does not intend to provide any attenuation of the surface water runoff from the roads; 2) Provide adequate determination of the required volume of attenuation storage.
- 2.6 Waveney, Lower Yare & Lothingland Internal Drainage Board – We are in discussion with the applicant's consulting engineers over the drainage scheme for the proposed development. At present we have not received sufficient information to approve the drainage. Please note that the drainage scheme will in any event require bye-law consent from the Board.
- 2.7 Norfolk Fire & Rescue Service – Recommends the installation of a fire hydrant.
- 2.8 Natural England – No objection.
- 2.9 Broads Authority – Natural landscaping is considered vital to help soften the impact of the development on the Broads, the Authority would request that thought is given to the proposed boundary treatment particularly around the car parking area to the western boundary.
- 2.10 Environmental Health – In order to address various issues identified in the contaminated land assessment the applicants will need to submit a validated remediation strategy for the approval of Environmental Health prior to construction. Also recommends conditions regarding piling, hours of work and possible noise from air conditioning or refrigeration units.
- 2.11 Town Centre Manager – No response.

- 2.12 Cobholm Residents' Association – No response.
- 2.13 Property Services – No response
- 2.14 Building Control – no adverse comments.
- 2.15 Strategic Planning - The proposal seeks to provide a portion of the retail and leisure needs for the Borough to 2029. Whilst a town or edge of centre location would be preferable to further underpin the town centre's night time economy, it is conceded that there are no other sequentially preferable sites, of the right scale, type and form to otherwise direct development away from an out-of-centre location.

Whilst the site area is currently designated as existing employment land and seeks to be safeguarded as such in the emerging Core Strategy – the Employment Land Study Review identified an over supply of employment sites to provide flexibility and choice for the offshore energy sector's requirements.

On balance, taking into consideration paragraph 22 of the National Planning Policy Framework – which seeks to avoid the long term protection of employment sites and treating alternative uses for those sites on their merits; alongside the borough's high retail requirements as evidenced by the Retail Study; the proposal would be considered appropriate in this location due to insufficient town centre or edge of centre sites.

3. Policy :-

3.1 National Planning Policy Framework (NPPF)

Paragraph 22: Planning policies should avoid the long term protection of sites allocated for employment use 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.

Paragraph 24: 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 and out 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.

3.2 Emerging Policies – Draft Core Strategy

Core Policy CS6 – Supporting the local economy

Encourages the redevelopment and intensification of existing employment sites, particularly those sites with good access by a variety of transport modes and safeguards existing local employment areas and future local employment areas.

Core Policy CS7 – Strengthening our centres

Ensure that all proposals for town centre uses outside of defined centre demonstrate that there are no sequentially preferable sites available and that the proposal can be accessed by sustainable transport.

3.3 Borough-Wide Local Plan

POLICY 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 8.8ha of land bounded by Pasteur Road, the by-pass, Marsh Road, Coronation Green and High Mill Road, as shown on the proposals map.

(Objective: to facilitate the development of constrained industrial land.)

POLICY 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.

(Objective: To secure improvements to the amenity and natural environment.)

POLICY 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.

(Objective: To visually improve the entrances to the Town.)

4. Assessment :-

- 4.1 The proposal is for full planning permission for the public house/restaurant, access, parking and associated works and outline permission for a drive-through restaurant. The proposed public house/restaurant will be sited at the southern end of the site close to Jones (GC) Way with the car park to the west. The building will be mostly single storey with a two-storey section incorporating manager's accommodation on the first floor. Although described as a public house/restaurant the use will be a food-led operation with the major part of the business being food rather than drink. The drive-through restaurant will be at the northern end of the site, this building will have its own car park with access off the new estate road. As this part of the proposal is for outline permission no details of the building have been submitted at this stage.
- 4.2 The site is within an area zoned for 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 in Policy EMP10 of the Borough-Wide Local Plan. However, although this is a saved policy and is considered to be in general compliance with the National Planning Policy Framework (NPPF), the policy is now out of date and the application needs to be considered against the relevant section of the NPPF and emerging policies of the Draft Core Strategy.
- 4.3 Paragraph 22 of the NPPF says that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose and 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, etc.
- 4.4 Although shown as a site containing five buildings used for employment purposes on the original outline application for Tesco in 1996 no applications have been submitted for development since then and there has been no demand for employment uses on the site. In considering this application it has to be taken into account that the proposals will generate employment, according to the details submitted with the application, the pub/restaurant will create between 50 & 60 jobs, 20 full time and the remainder part time.

- 4.5 Paragraph 24 states that 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 and out 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.
- 4.6 The application includes a sequential test which looks at alternative sites and premises and the conclusion is that there are no suitable alternatives available within the town centre or edge of centre areas. The Strategic Planning Officer has considered the findings of the sequential test and is satisfied that there are no other sequentially preferable sites available and that the proposal is considered appropriate in this location due to insufficient town centre or edge of centre sites.
- 4.7 The application includes an Ecological Assessment Report which looks at the possible presence of protected species on the site, the report concludes that the site offers little habitat of value to wildlife except for the land drains which provide potential habitat for water voles. The report goes on to recommend that appropriate mitigation measures should be undertaken to prevent any potential harm to water voles.
- 4.8 The only adverse consultee response is from the Environment Agency, the EA are concerned that the submitted Flood Risk Assessment (FRA) does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

1. Demonstrate how the proposed surface water drainage scheme will prevent an increase in flood risk elsewhere as the plan is to discharge the surface water to the nearby Internal Drainage Board watercourse at significantly above the existing Greenfield runoff rates without their consent and does not intend to provide any attenuation of the surface water runoff from the roads.
 2. Provide adequate determination of the required volume of attenuation storage.
- 4.9 The Internal Drainage Board has commented that they are in discussions with the applicant's consulting engineers over the drainage scheme for the development and at present they have not received sufficient information to

approve the drainage. From this it would appear that it should be possible to overcome the Environment Agency's objection to the proposal.

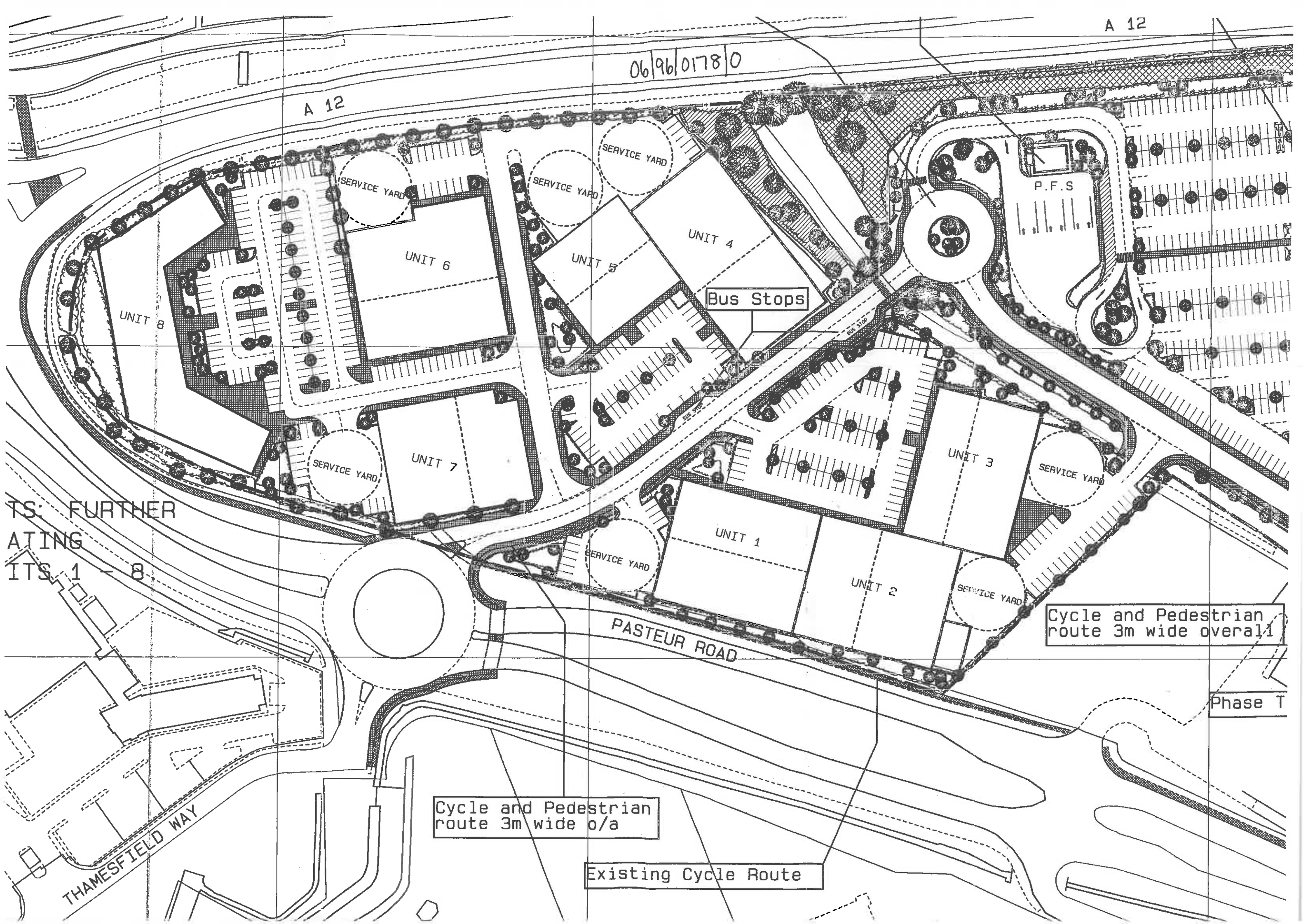
- 4.10 In conclusion it is considered that, although the proposal may be considered to not comply with Policy EMP10 of the Borough-Wide Local Plan, it does conform with the aims of the NPPF and emerging policies CS6 and CS7. It is an existing employment site and the proposals will generate employment for people in the local area. The recommendation is to approve subject to the resolution of the drainage issues to the satisfaction of the EA and IDB.

5. RECOMMENDATION :-

- 5.1 Approve – subject to satisfying the Environment Agency's concerns regarding flood risk and drainage.

06/96/0178/0

A 12



TS: FURTHER
ATING
ITS 1 - 8

Bus Stops

P.F.S

Cycle and Pedestrian
route 3m wide overall

Phase T

Cycle and Pedestrian
route 3m wide o/a

Existing Cycle Route

THAMESFIELD WAY

PASTEUR ROAD



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APPLICATION BOUNDARY

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Project: MARSTON'S RESTAURANT / PUB
THAMESFIELD WAY
GREAT YARMOUTH

Drawing: LOCATION MAP

Purpose: PLANNING Date: 14.10.13
Scale: 1:1250@A4 Drawn:
Dwg. No: H7896/50 Revision: A