

Reference: 06/21/0158/F

Parish: Gorleston

Officer: Mr G Bolan

Expiry Date: 21/04/2021

Applicant: Punch Partnerships (PML) Limited

Proposal: Proposed change of use from public house to convenience store, with extension, alterations to parking layout and hard landscaping.

Site: Albion Tavern Public House
87 Lowestoft Road
Gorleston

NOTE: Members should be aware that the comments and objections received to the application include submissions by a member of staff of the Council's planning applications team. The member of staff concerned has assisted with some of the administrative tasks involved in processing the application, but has had no part in the assessment or the determination of the application. This note is raised only to clarify matters should any such related enquiry be received by the Council.

REPORT

1. Background / History:-

- 1.1 Albion Tavern Public House occupies a large site on the corner of Lowestoft Road and Lower Cliff Road in Gorleston, the public house fronts onto both Lowestoft Road and Lower Cliff Road and is serviced by a large car park located to the rear, accessed from Lowestoft Road. The surrounding area is heavily residential with properties located on Lowestoft Road and Lower Cliff Road.
- 1.2 The application is for the conversion and extension of the public house to create a convenience store utilising the existing access, with associated alterations to the parking layout and hard landscaping.
- 1.3 The application relates to the current public house which has been in operation and was first licensed in 1884 and has been operated as a pub since. The pub use is proposed to be lost, partly due to the competition from an increase in similar establishments within close proximity to the Albion Tavern and being

operated as a wet-led pub when the demand for pubs has altered as the demand for operators to have operational kitchens has also increased in recent times. The Albion Tavern has recently been deemed unviable according to the Viability Study (February 2021) submitted with the application.

- 1.4 The proposal is to convert the existing public house into a convenience store with a single storey extension to the East elevation along Lower Cliff Road. The rear car parking area is proposed to be amended to provide 15 demarcated spaces with one of these spaces being allocated for disabled users. The proposal for the rear car park has been amended throughout the planning process to now include the delivery area within the car park to the rear, and sufficient space has been provided to allow deliveries to take place and for the delivery vehicles to turn and leave in a forward gear.
- 1.5 Albion Tavern is located at the southern end of Gorleston with the main town centre located 520m north of the site, it is considered that there are further establishments within close proximity to the Albion Tavern offering similar or a greater range of services, and a list has been compiled of establishments within 800m radius of the Albion Tavern, as below:
 - New Entertainer (322m)
 - Oddfellows Arms (322m)
 - Number 1 Bar & Kitchen (322m)
 - Mariners Compass (322m)
 - Cliff Hotel (483m)
 - King William IV (483m)
 - Celt (483m)
 - Feathers Inn (483m)
 - Dock Tavern (644m)
 - Green Bear (800m)
 - William Adams (800m)

2. Consultations :-

- 2.1 Norfolk County Highways – No objection subject to Conditions including:
 - Prior to the first use of the development hereby permitted visibility splays measuring 2.4 metres x 43 metres shall be provided to each side of the access where it meets the near edge of the adjacent highway carriageway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
 - Prior to the first use of the development hereby permitted the proposed access, on-site car and cycle parking, servicing/loading/unloading and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

2.2 Environmental Health – No objection subject to Conditions including:

- **Acoustic protection**

Before any air cooling or conditioning units are used on the premises, they shall be enclosed with sound-insulating material and mounted in such a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the local planning authority.

- **Store Deliveries**

No deliveries taken at or dispatched from the site outside the hours of:

7am and 7pm Monday to Friday

8am to 2pm on Saturdays

9am to 2pm on Sundays and Bank Holidays.

- **External Lighting**

No external lighting shall be erected unless full details of its design, location, orientation and level of illuminance (in Lux) provided have first been submitted to and agreed in writing with the local planning authority. Such lighting shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation. The lighting shall thereafter be implemented in accordance with the approved details and shall be retained as such thereafter.

2.3 Neighbours – 21 Objections/General Comments received – see comments attached within the Appendices.

3. Relevant Policies:

The following policies are relevant to the consideration of this application:

Core Strategy 2013 – 2030:

- CS1 – Focusing on a sustainable future
- CS7 – Strengthening our centres
- CS15 – Providing and protecting community assets and green infrastructure

Other material considerations:

National Planning Policy Framework (NPPF)

Paragraphs

- 7-14: Sustainable Development.
- 86-91: Ensuring the Vitality of Town Centres
- 124-127: Achieving appropriate densities

The following emerging Local Plan Part 2 (final draft) policies can also be noted, and these can be attributed significant weight in the decision making process

because the draft policies have been subject to formal examination and reached pre-adoption modifications stage:

- UCS7 – Amendments to Policy CS7 – Strengthening our centres
- R1 – Location of retail development
- C1 – Community facilities

The relevant parts of the adopted policy wording are provided below:

Policy CS1 – Focusing on a sustainable future

For the Borough of Great Yarmouth to be truly sustainable it has to be environmentally friendly, socially inclusive and economically vibrant not just for those who currently live, work and visit the borough, but for future generations to come. When considering development proposals, the Council will take a positive approach, working positively with applicants and other partners to jointly find solutions so that proposals that improve the economic, social and environmental conditions of the borough can be approved wherever possible. To ensure the creation of sustainable communities, the Council will look favourably towards new development and investment that successfully contributes towards the delivery of:

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

Policy CS7 – Strengthening our centres

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:

- a) Focus future development and investment using the retail hierarchy in Table 12 below

Table 12: Retail Hierarchy

Classification	Location
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

- d) 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
- e) 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
- f) 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 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

Policy CS15 – Providing and protecting community assets and green infrastructure.

Everyone should have access to services and opportunities that allow them to fulfil their potential and enjoy healthier, happier lives. The effective planning and

delivery of community and green infrastructure is central to achieving this aim. As such, the Council will:

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

See also National Planning Policy Framework (NPPF) –

Paragraph 86 – Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation.

Paragraph 87 - Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 88 – When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Paragraph 90 - When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date 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 2,500m² of gross floorspace). This should include assessment of:

(a) 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

(b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Paragraph 91 - Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.

For the avoidance of doubt, the following definitions are used in the NPPF:

- Town centre - Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.
- Edge of centre - For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.
- Out of centre - A location which is not in or on the edge of a centre but not necessarily outside the urban area.
- Out of town - A location out of centre that is outside the existing urban area.
- Primary shopping area - Defined area where retail development is concentrated.

Paragraph 127 - Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.

See also Emerging Local Plan Part 2 policies –

UCS7 – Amendments to CS7 – Strengthening our centres

Policy UCS7: Amendments to CS7 – Strengthening our centres

Great Yarmouth Town Centre Boundary

The Policies Map is amended by the re-alignment of the Great Yarmouth Town Centre Boundary.

Bradwell District Centre Boundary and Local Centres

Core Strategy CS7a), Table 12 is amended **as follows:**

<u>Classification</u>	<u>Location</u>
<u>Main Town Centre</u>	<u>Great Yarmouth</u>
<u>Town Centre</u>	<u>Gorleston-on-Sea</u>
<u>District Centres</u>	<u>Bradwell (Proposed), Beacon Park and Caister-on-Sea</u>
<u>Local Centres</u>	<u>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</u> <ul style="list-style-type: none">• <u>In Great Yarmouth:</u><ul style="list-style-type: none">○ <u>Northgate Street</u>○ <u>St Peters Road</u>○ <u>Beresford Road</u>○ <u>Camden Terrace</u>• <u>In Gorleston-on-Sea:</u><ul style="list-style-type: none">○ <u>Bells Road</u>○ <u>Magdalen Way</u>○ <u>Lowestoft Road</u>○ <u>Church Lane</u>○ <u>Almond Road</u>

Supporting text to emerging policy UCS7 (officer emphasis added):

“1.21 On the basis of the current evidence published since the adoption of the Core Strategy, there is no longer a quantitative need for new food and non-food shopping floorspace. Consequently, there is not a requirement under national policy for the Council to specifically identify and allocate sites for new retail-led development, and therefore Policy USC7 deletes the previous existing retail requirement provided in Policy CS7b). Notwithstanding this, there is evidence of a limited number of locational requirements and accessibility deficits in localised shopping provision that will need to be addressed, including to support the delivery of some of the allocations in this Plan. Therefore, where market interest and demand does arise for new retail development, this will be supported in the town, district and local centres in accordance with the plans retail hierarchy in Policies CS7 (as amended), CS17, R1, R5 and BL1 and on the land allocated by Policy CA1 to create a new local centre in Caister and on the land allocated by Policy HY1 for small scale shopping facilities.”

Draft Policy R1: Location of retail development:

New main town centre use development (as defined by the National Planning Policy Framework) will be permitted within the designated centre boundaries. Where there are no suitable or available sites within the designated centre, proposals for main town centre use development which are otherwise in accordance with Policy CS7 (as amended by [draft] Policy UCS7) will be permitted on edge of centre sites.

For all main town centre uses proposed in Gorleston-on-Sea, Bradwell or Caister-on-Sea, edge of centre sites should be within 300 metres of the designated centre.

Where there are no suitable or available sites within designated centres or edge of centre sites, new town centre use development will be permitted on out of centre sites within the Development Limits providing it is otherwise in accordance with Policy CS7 (as amended by [draft] Policy UCS7), and:

- a. the location is accessible by public transport and is accessible to pedestrians and cyclists;
- b. the site has good links to the designated centre, or links can be improved.
- c. the proposed use either individually or cumulatively does not undermine the attractiveness or viability of the designated centres; and
- d. the site will not impact upon other neighbouring uses, in terms of traffic, parking and amenity issues.

In addition to the criteria above, development on out of centre sites which are also outside of Development Limits will only be permitted where:

- e. an additional need for retail development has been demonstrated to justify the development; and
- f. there is no suitable and available land within the Development Limits.

Draft Policy C1: Community facilities:

The retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth, will be encouraged.

Development leading to the loss of an existing community facility will only be permitted where it is demonstrated that either:

- a. it is to be replaced by a facility of equal or greater quality in a suitable location to meet the day-to-day needs of existing users; or
- b. the area currently served by it would remain suitably provided following the loss; or

- c. it is no longer viable or feasible to retain the premises in a community facility use as demonstrated by a marketing evidence which covers at least a 12-month period of marketing.

4. Public Comments received:

4.1 At the time of writing, there have been 21 objections/general comments received from residents close to the Albion Tavern and in surrounding areas; the issues raised are summarised as below:

- Parking
- Increase traffic flow
- Loss of pub
- Enough retail/commercial units in proximity within the surrounding area
- Noise related issues regarding deliveries and refrigerator units
- No space for large local community groups to meet

5. Assessment: -

Planning law (section 38(6) of the Planning and Compulsory Purchase Act 20014 and Section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the adopted local development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account as a material consideration in planning decisions.

5.1 The proposal

The application seeks to allow the conversion and extension of the public house to create a convenience store utilising the existing access, with associated alterations to the parking layout and hard landscaping. The convenience store will provide 372sq.m. internal floorspace, compared to the 331sqm of the pub, so represents a net increase of 41sqm, the increase will allow the net sales area to be 252sqm.

5.2 The application is to include changes to the hours of use compared to the hours of use of the public house.

5.3 There are proposed to be no deliveries outside the hours of:

- 07:00 to 19:00 hours on Mondays to Fridays
- 08:00 to 14:00 hours on Saturdays
- 09:00 to 14:00 hours on Sundays and Bank Holidays

5.4 The use is proposed to not open/operate outside the hours of:

- 06:00 to 23:00 hours on Mondays to Fridays
- 06:00 to 23:00 hours on Saturdays
- 07:00 to 22:00 hours on Sundays and Bank Holidays

Principle of Development – Loss of the public house use

5.5 Adopted Policy CS15 seeks to resist loss of community facilities unless alternative provisions or better-quality facilities is provided in a location accessible to current/potential users, or detailed assessment clearly demonstrates no longer need for provision of facility in the area. The proposal has seen a downturn in revenue as per the Viability Study of February 2021, the viability study goes onto declare the pub unviable. The Albion Tavern is located within 400m of the following alternative public houses.

- New Entertainer
- Oddfellows Arms
- Number 1 Bar & Kitchen
- Mariners Compass

400m is what is generally expected for local residents to be able to easily have walking access to bus links, retail and other services, so with this in mind the loss of this community facility is not going to adversely affect the local resident's ability to access a similar facility, with those listed above offering similar facilities and others providing further facilities (e.g. food and functions) for the local residents.

5.6 In line with emerging Local Plan Part 2 policy C1, an application for loss of community facilities is required to demonstrate; *"it is no longer viable or feasible to retain the premises in a community facility use as demonstrated by a marketing evidence which covers at least a 12-month period of marketing."* At the time of writing there has not been any substantial evidence provided of continuous marketing for a 12-month period, and the agent for the application has suggested the property has been marketed "sporadically" since May 2019 and provided a copy of the listing. Whilst no evidence has been provided in the way of interest or unsuccessful or successful offers within this period, the agent has described that: *"the Property was marketed from May 2019 until February 2021. During this period the only parties to register an interest in the property were developers that were interested in changing the use of the premises to retail."* This anecdotal submission may not fully address emerging policy C1(c) but does provide helpful context.

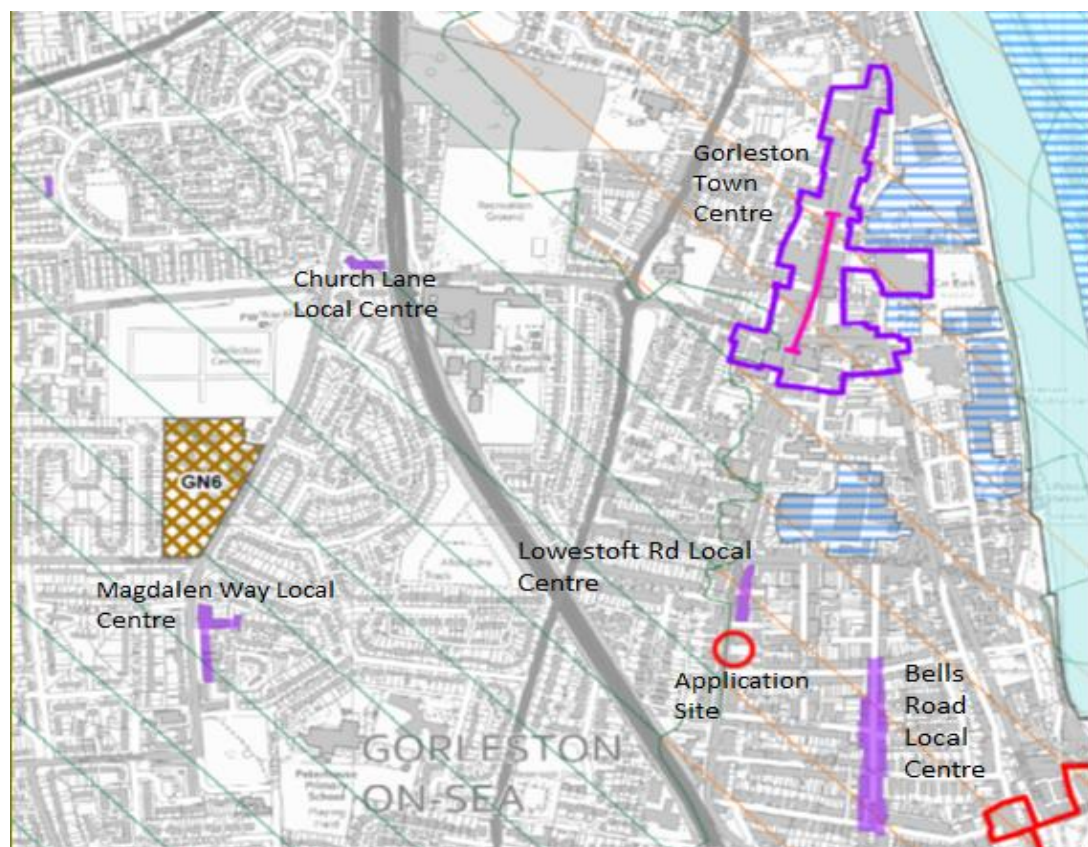
5.7 A viability report has been instructed by the agent and undertaken on the Albion Tavern, the report has included operations prior to the covid-19 pandemic and during. The report concluded that the business would fall short to its nearby pub competitors combining both wet and dry sales, the report goes on to also explain

even with a substantial investment to improve the facilities and décor of the Albion Tavern it would not attract any additional trade due to the existing choice within the immediate area, this showing the pub is not viable either in the short term or over the longer term if the use were being retained.

- 5.8 In assessing the planning balance, the proposal partially complies with point c of emerging policy C1 in respect of the property is no longer viable to retain the premises as the current community facility use, however the application has failed to demonstrate continuous marketing evidence for a 12-month period. It is considered therefore the application is contrary to the likely requirements of future development plan policy, however in the Planning balance it must be remembered that full weight cannot yet be apportioned to the requirement for 12 months continuous marketing. Nevertheless, it is considered some level of marketing has taken place and with the property being considered unviable it partially complies with point (c) of emerging policy C1.

Principle of Development – Proposed retail impact

- 5.9 The Local Plan part 2 policies map for Gorleston showing locations of proposed town and local centres.



- 5.10 The NPPF defines retail as a 'main town centre use' and as such the NPPF and local plan policies expect that retail proposals should be directed to the defined town centres first. If suitable town centre sites are not available,

proposals should be directed towards 'edge of centre' locations, and then 'out of centre' sites should only be considered if suitable sites are not available (or expected to become available within a reasonable period) in more sequentially appropriate locations (i.e. within the defined town centre).

- 5.11 Planning policy requires a 'retail impact assessment' to be undertaken where a retail proposal is outside a defined town centre and exceeds either 2,500sq.m. in gross floorspace, or a locally set floorspace threshold in the development plan. Policy CS7 sets a floorspace threshold at 200sq.m. The proposal results in 252sq.m which is 52sq.m/25% above the threshold for applications requiring a retail impact assessment. A retail impact assessment has been submitted which provides notable examination of the retail conditions at the Gorleston Town Centre but has less conclusive information in respect of the Lowestoft Road Local Centre, which is a new Local Centre proposed designation within the emerging / draft Local Plan Part 2 policies.
- 5.12 When comparing the proposed unit to the town centre of Gorleston as seen on the policies map at 5.9 of this report, due to the proposed location being approximately 520m south of the town centre and the similar stores occupying a much larger footprint i.e., Farm Foods and Morrison's, it is not considered to detrimentally affect the viability of the existing similar stores within this area.
- 5.13 The closest local centre is the proposed designation of Lowestoft Road local centre, which is to be located 70m north of the proposal. The local centre includes 2 small convenience stores (McColl's and Gorleston Mini Market) with a range of takeaways and small business units. The units on average are between 80sq.m. and 150sq.m. and occupy the local centre with front facing shopfronts on to Lowestoft Road. It is considered that the proposed unit will ultimately offer similar products to the 2 convenience stores within the local centre, however the proposal is considered a much larger unit than the two existing and will offer a wider range of goods able to serve the local community. It is the considered opinion of officers that the two existing shops will still have the element of "convenience" retail which will provide a niche for the local community, and a different format of retail experience in practice, when compared to what the application proposal will be able to include.
- 5.14 As such, it is considered that market trends will likely be able to accommodate the new proposal without significant detrimental impact on the vitality and viability of the local centre – if the application proposal can be made to operate in a way which complements the local centre, in terms of its retail offer and the accessibility it provides to the wider community, to be secured by conditions. Examples include managing the types of goods to be sold, the hours of use, and securing availability of the car parking for the wider community.
- 5.15 In summary, the application has been assessed against the retail impact on existing units within the Local Centres and the Town centres within Gorleston and it is considered that the application has not considered appropriately the impact of a new retail unit on the existing local centre of Lowestoft Road when assessed against emerging policy CS7, however on the balance the application is marginally over the threshold of 200sq.m as suggested above,

the proposed unit is of a larger size to the 2 nearby and although of the same use it is considered the proposal will offer a wider range of goods allowing the local centre to be more of a convenience store for the local residents. The proposal will result in a greater/wider range of products and will still provide a convenience of goods which is consistent with the aims set out in emerging Policy R1.

- 5.16 Noting the concerns that the scheme may cause a threat to the vitality and viability of the local centre, it is considered that the site should bolster its position as a complementary retail offer to the local centre some 50-70m to the north. To do so Officers consider it necessary and reasonable to impose a condition that the proposed car park within the site should be made available for parking free of charge for up to 2 hours free car parking, regardless of whether patrons shop within the application site; A car park management scheme shall be submitted and approved in writing to the Local Planning Authority prior to the use commencing.

Principle of Development – Sequential Test

- 5.17 The proposal is not located within a designated centre and although it is classed as being on the 'edge of centre' of the Lowestoft Road local centre, it is nevertheless required to undertake a sequential test to identify if there is a better suited unit available within the designated town and local centres of Gorleston.
- 5.18 In consultation with colleagues in Strategic Planning, the Council has recently undertaken annual retail surveys of town, district and local centres and it has been reported by colleagues within strategic planning that there are 10 vacant units within Gorleston Town Centre and 3 vacant units within the edge of centre and local centres of Gorleston. However, all alternative units have been identified as not being appropriate nor available for the model of retail proposed and the size and space demands. Having considered the sites and the appraisal presented by the applicant, Officers agree with colleagues within the Strategic Planning team that whilst there may be other vacant units in more sequentially-preferable locations, the application nevertheless still passes the requirements for a sequential test, and the location-based concerns of the site should not be seen as a reason to refuse the proposal.
- 5.19 It is noted that the application's agent has referred to The Tramway public house in Gorleston as being a possible preferable alternative site for retail, of a site of similar size to the application site, and being within the defined Town Centre. However at the time of writing the report the Tramway was closed and under offer, and recently the public house has re-opened and although it is considered appropriate in floor area the proposal is considered less desirable than the proposed site; however this site is now occupied and back in use.
- 5.20 The National Planning Practice Guidance makes clear that local authority Planning Departments should not expect an application to change the retail model submitted and put forward in the application, to fit into alternative sequentially-preferable sites. Therefore as a part of this application it is only

possible to compare the retail floorspace requirements of the application against the limited floorspace availability of the vacant units in the area, and so must consider the application as submitted under its own planning merits.

- 5.21 The proposed location of the retail unit is located on the edge of a local centre and although it is not a preferred site within the town and local centres the proposal satisfies the sequential test.

Impact on neighbouring amenities

- 5.22 Noise has been raised as a concern by nearby residential properties, the application has been in consultation with Environmental Health and a recommended condition has been suggested below in relation to the air cooling/conditioning units.

Before any air cooling or conditioning units are used on the premises, they shall be enclosed with sound-insulating material and mounted in such a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the local planning authority.

- 5.23 It is considered that in relation to the existing use of the public house the proposed use will not generate an increase in harm in respect to noise over what was existing. As the new proposed use will make use of the existing car park the noise from parking will be similar, and will be related to store users and for deliveries of goods to the convenience store.
- 5.24 Furthermore, the proposed hours of operation are suitable for the use of the property and it has been considered there is noise generated in association with the operation of a public house and into later hours than proposed of the proposed use.

Design

- 5.25 The proposal has tried to be as sympathetic to the area as possible and the materials proposed for the new extension are to match the existing building, and the agent has suggested the following external materials within the Planning, Design and Access Statement:

- Red/Brown facing brickwork
- White colour coated aluminium shopfront windows/doors
- Brown concrete roof tiles to match existing
- Grey single ply membrane flat roof
- Grey painted timber fascias, soffits and bargeboards
- Black UPVC rainwater goods
- Black painted steel handrails/railings

- 5.26 A new shop front is proposed on the North western corner to form the customer entrance along with an access ramp due to the change in levels across the site. The proposed new shopfront is to be white colour coated aluminium shopfront windows and white colour coated aluminium shopfront doors.

- 5.27 The proposal also includes the existing boundary treatments to be retained with the addition of a 2.1m high acoustic fence to be located on the eastern boundaries to protect noise being amplified into the nearby residents properties.

The planning balance:

- 5.28 The loss of the pub is partially contrary to emerging policy C1 in respect of no evidence having been put forward with regards to 12 months continuous marketing, although an example sales advert has been provided and the agent has confirmed the pub has been sporadically advertised over the past 19 months. However, notwithstanding the lack of marketing however, it does comply partially with draft policy C1(c) as well as the pub has been deemed unviable short term and long term.
- 5.29 It should also be noted that viability (or lack of) is only one aspect of the possible reasons why the loss of a community facility is accepted under the terms of draft policy R1. The draft policy has substantial weight in the decision making process and actually sets out a list of three possible scenarios where a community facility can be lost to other uses, including at criterion (b), on occasions when: *“the area currently served by it would remain suitably provided following the loss.”* As a result, policy C1 is considered to be satisfied due to the proximity of other pubs in the close locality.
- 5.30 The new retail store will be located outside of a defined town centre and located on the edge of the draft designation Lowestoft Road Local Centre, however although not considered the most preferable location it does pass the sequential test in respect of there are no other *suitable* and *available* alternative vacant units within the town and local centres in Gorleston
- 5.31 The application proposal might be considered to not have fully addressed Core Strategy policy CS7 due to an absence of a specific quantitative assessment of the retail impact on the Lowestoft Road Local Centre. However, it must be remembered that the local centre is currently only a draft designation and until it is formally adopted there can be no reasonable requirement to provide one, so should not be hindered on that basis.
- 5.32 Nevertheless it has been considered by officers that the threshold requiring retail impact assessments is set at 200sq.m in policy CS7, but the proposal is only marginally over this figure by 25% or 52sqm as the proposed retail floor space is 252sq.m. In this case, there are small vacant units within the local centre which could offer at least 52sqm retail floorspace, which would not need to provide a retail impact assessment and could provide competition to the existing retailers. When considering the impacts overall, there are considered to be benefits of the application proposal which could assist with the vitality and viability of the local centre overall, such as providing complementary trips or a different format of retail or range of goods. Furthermore, if there is concern that the business in the local centre may suffer from another retailer in the vicinity, it should be noted that the Government has recently adjusted the Use

Class Order such that retail can more easily move to many other uses within the same Class E designation, without requiring planning permission, so making the local centre far more resilient to changes and public use of the local centre.

- 5.33 This application offers significant material public benefits through the creation of 20 jobs which is consistent with the aims of Core Strategy policy CS6, as well as the re-use of an existing brownfield site which has currently been deemed unviable, and which is located in a prominent position. The application if successful would avoid the existing site falling into disrepair with a considerable amount of work needed to improve the street scene and is able to provide improved access to local facilities for the local economy and community.
- 5.34 It is a matter for the decision maker to weigh-up whether any decision in favour of the application can justify conflicting with local and national policy expectations for retailing to be directed towards defined centres.

Conclusion

- 5.35 The proposed site currently runs as a Public House and has done for many years after recent investigations prior to the covid-19 pandemic and during to the present time the viability report shows the pub failing to make profits over a sustained period of time. It is therefore presented that the short term and long term future of the pub is unviable to be used in its current state and would benefit from a change in operation.
- 5.36 The main reasons for objections being received were due to the loss of a pub facility, noise and increase in traffic flow and parking, and the impacts on existing retailing centres. These concerns have been addressed throughout the report and through use of appropriate conditions. It is considered that the application has overcome the concerns raised, and that Gorleston has a thriving town centre that offers a range of alternative public house facilities allowing nearby residents not to be left without a valued community facility.
- 5.37 As a retail store the proposal will provide a new facility for the area and offer a range of options for the wider community that is not currently available in the town or local centres. It is considered there are other retail shops in the area with the Gorleston town centre located to the north, which will minimise the impact of a larger store on the town centre. However in respect of the Lowestoft Road and other proposed designations as local centres, this will be a larger facility offering further services than the existing units and with a large area of off-road parking, so it is considered the proposed use will be able to be well accessed and available to all users.
- 5.38 When making this assessment officers consider there are benefits to the proposal which weigh heavily in favour, principally the jobs creation from the reuse of an otherwise unviable site and the improved access to local facilities for the local economy and community. The application is therefore considered appropriate for the area and use as required. Whilst all objections have been

considered, it is noted that the information supplied supporting the application provides proof that the residential amenities of nearby residents will not be detrimentally affected by the proposal, and the Environmental Health officer has accepted the proposal. Subject to the utilisation of conditions around hours of use and deliveries, acoustic deliveries and external lighting, the development as proposed is considered acceptable.

6. RECOMMENDATION :-

Approve –

Subject to the use of conditions as set out below, the proposal will comply with the aims of policies CS1, CS6, CS7 and CS15 of the Great Yarmouth Local Plan: Core Strategy, Paragraphs 7-14, 86-91 and 124-127 of the NPPF, and is consistent with the aims set out in emerging policies of the final draft Local Plan Part 2.

Proposed Conditions:

- 1) The development must be begun not later than three years beginning with the date of this permission.
- 2) The development shall be carried out in accordance with the application form and approved plans received by the local Planning Authority on 24th February 2021 drawing reference:
 - 20-3222-102-Rev-P2 – Site Plan
 - ENC/011020.8LLI-TOPO – Topographical Survey

The development shall be carried out in accordance with the revised plans received by the Local Planning Authority on 21st April 2021 drawing reference:

- 20-3222-100-Rev-P4 – Proposed Elevations
 - 20-3222-101-Rev-P6 – Site Layout Plan
- 3) The goods available will be no less than 90% convenience led
 - 4) The proposed parking area as shown on approved plan 20-3222-101-Rev-P6 shall be available for up to 2 hours free car parking, a car park management scheme shall be submitted and approved in writing to the Local Planning Authority prior to the use commencing.
 - 5) There shall be no deliveries outside the hours of:
 - 07:00 to 19:00 hours on Mondays to Fridays
 - 08:00 to 14:00 hours on Saturdays
 - 09:00 to 14:00 hours on Sundays and Bank Holidays

- 6) The use shall not open/operate outside the hours of:
- 06:00 to 23:00 hours on Mondays to Fridays
 - 06:00 to 23:00 hours on Saturdays
 - 07:00 to 22:00 hours on Sundays and Bank Holidays
- 7) Prior to the first use of the development hereby permitted visibility splays measuring 2.4 metres x 43 metres shall be provided to each side of the access where it meets the near edge of the adjacent highway carriageway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 8) Prior to the first use of the development hereby permitted the proposed access, on-site car and cycle parking, servicing/loading/unloading and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 9) Before any air cooling or conditioning units are used on the premises, they shall be enclosed with sound-insulating material and mounted in such a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the local planning authority.
- 10) No external lighting shall be erected unless full details of its design, location, orientation and level of illuminance (in Lux) provided have first been submitted to and agreed in writing with the local planning authority. Such lighting shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation. . The lighting shall thereafter be implemented in accordance with the approved details and shall be retained as such thereafter.

And any other conditions or modifications of the above list as considered appropriate by the Development Management Manager.

Appendices.

- 1) Site Location Plan
- 2) Proposed Elevation
- 3) Proposed Site Layout Plan
- 4) Norfolk County Council Highways Comments
- 5) Example Neighbour Comments
- 6) Example Neighbour Comments

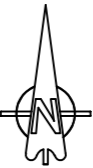
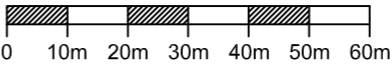
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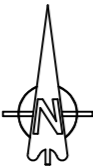
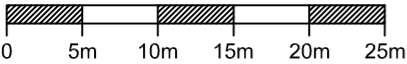
Location Plan

1:1250 scale



Block Plan

1:500 scale



P2	Feb 2021	Planning App	TH	
P1	Dec 2020	Preliminary	TH	
Revision	Date	Description	Dwn	Chkd



Lansdowne House
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E-Mail: admh@plcarchitects.com
Web: www.plcarchitects.com

Client:

Project:
The Ablon, 87 Lowestoft Rd,
Gorleston-on-Sea,
Great Yarmouth, NR31 6SH

Drawing Title:
Block Plan
Location Plan

Drawn By	Date	Checked By	Date	Approved By	Date
TH	Jan '21				
Drawing No.	Revision	Scale			
20 - 3222 - 102	P2	As Stated @ A3			

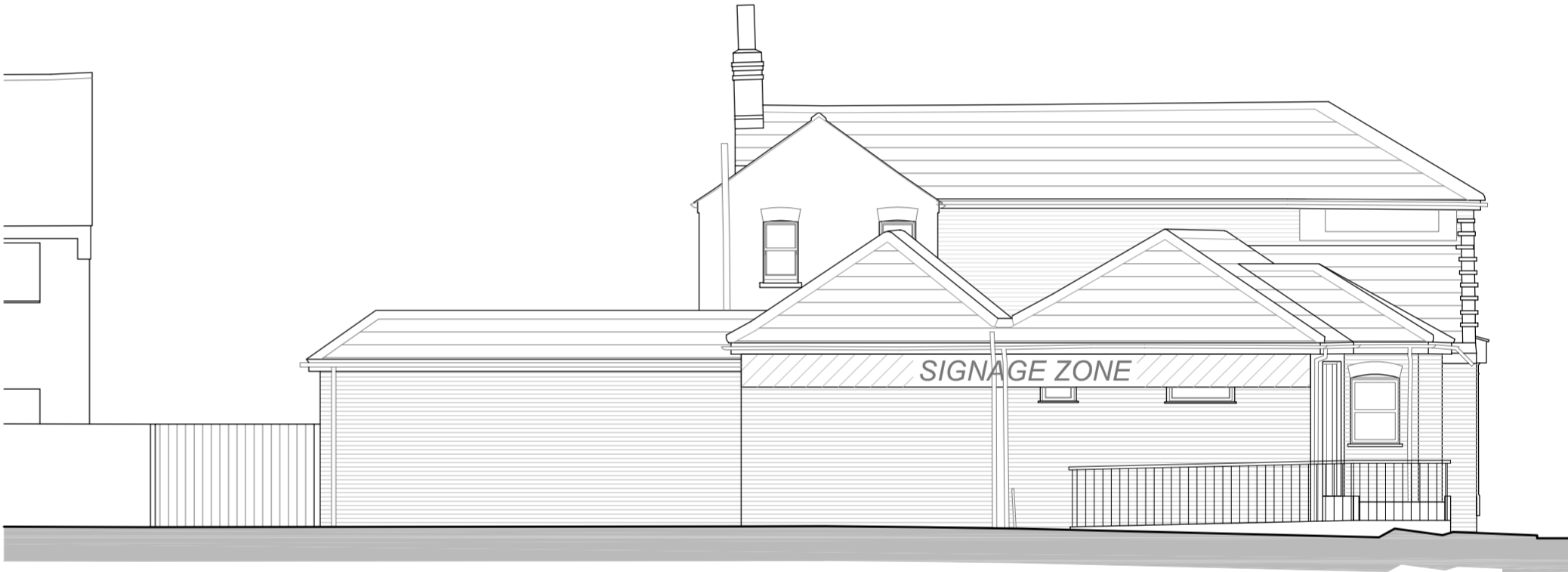
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Proposed West Elevation



Proposed East Elevation



Proposed North Elevation



Proposed South Elevation

External Materials

- ① Red / Brown facing brickwork to LA approval.
- ② White colour coated aluminium shopfront windows / doors.
- ③ Brown concrete roof tiles to match existing.
- ④ Grey single ply membrane flat roof.
- ⑤ Grey painted timber fascias, soffits and bargeboards.
- ⑥ Black UPVC rainwater goods.
- ⑦ Black painted steel handrails / railings.

P4	29.2.21	Updated to reflect revised delivery solution & disabled access	JCB	
P3	Feb 2021	Planning App	TH	
P2	Jan 2021	Preliminary	TH	
Revision	Date	Description	Dwn	Chkd



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Web: www.plcarchitects.com

Client:

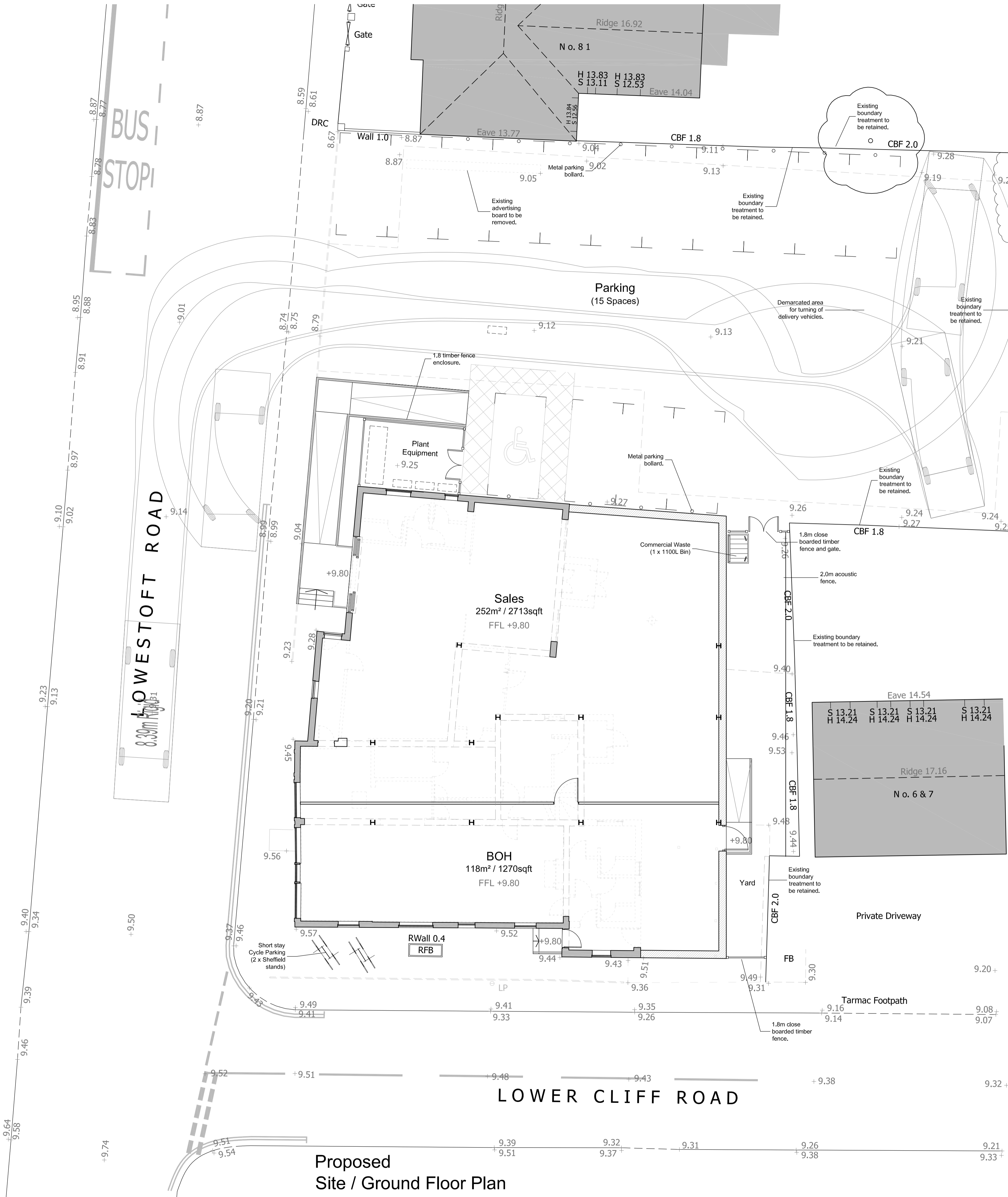
Project:

The Albion, 87 Lowestoft Rd,
Corfeston-on-Sea,
Great Yarmouth, NR31 6SH

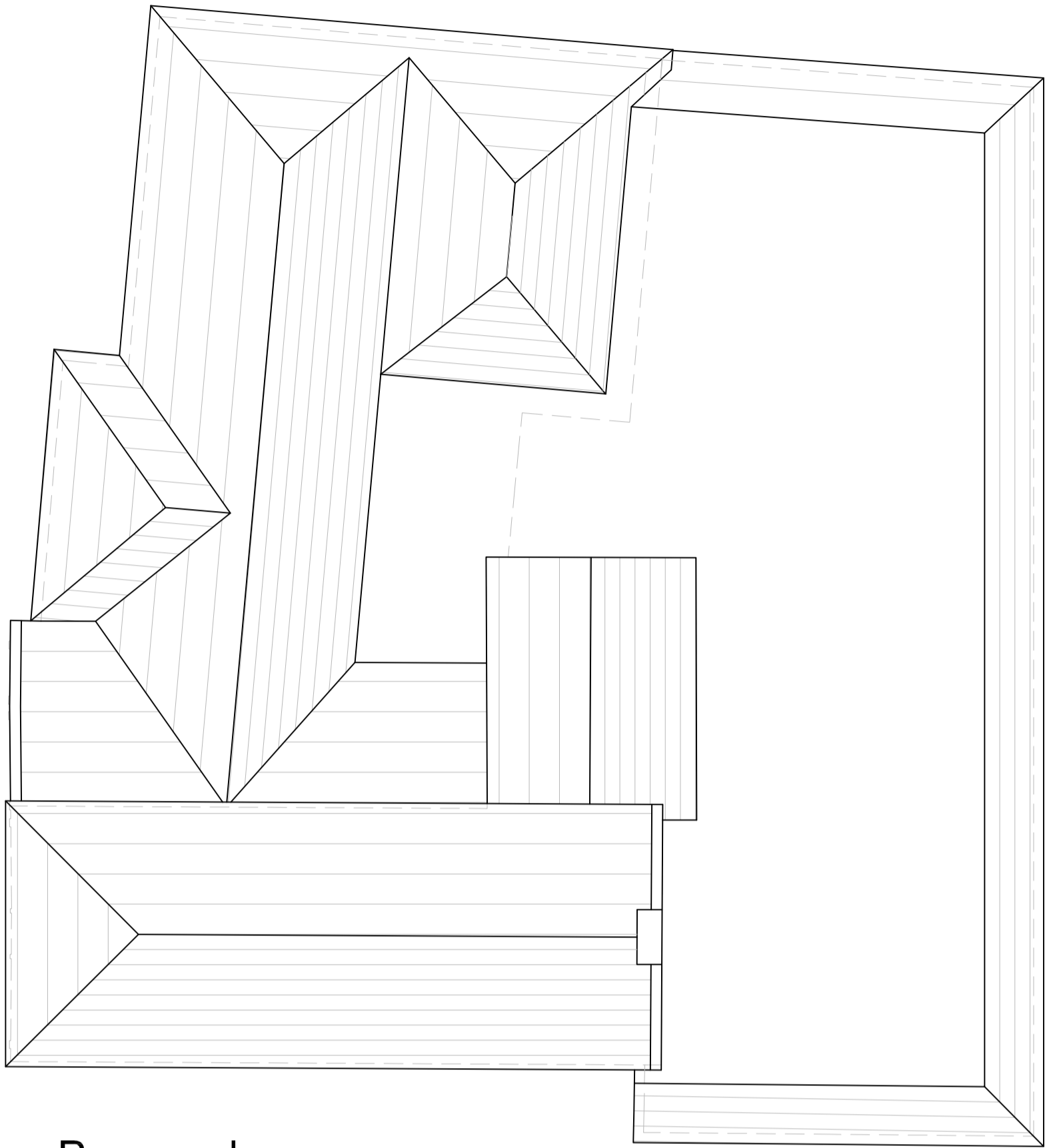
Drawing Title:

Proposed Elevations

Drawn By	Date	Checked By	Date	Approved By	Date
TH	Jan '21				
Drawing No.	Revision	Scale			
20 - 3222 - 101	P4	1:100 @ A2			
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Proposed
Site / Ground Floor Plan

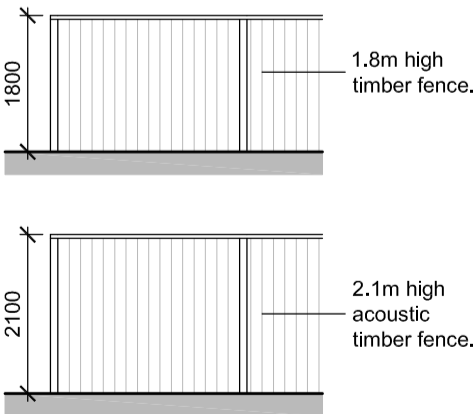


Proposed
Roof Plan

Key

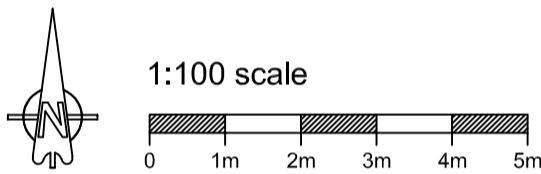
- Existing Walls.
- Proposed Walls.
- Removed Walls.

Boundary treatment



NOTES

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P7	29.2.21	Updated to reflect revised delivery solution & disabled access	JCB	
P6	26.2.21	Updated to reflect revised delivery solution	JCB	
Revision	Date	Description	Dwn	Chkd



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Client :

Project :

The Albion, 87 Lowestoft Rd,
Gorleston-on-Sea,
Great Yarmouth, NR31 6SH

Drawing Title :

Proposed Site / Ground Floor Plan

Drawn By	Date	Checked By	Date	Approved By	Date
TH	Jan '21				

Drawing No.	Revision	Scale
20 - 3222 - 100	P6	1:100 @ A1

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George Bolan
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
Norfolk NR30 2QF

NCC contact number: 0344 800 8020
Text Relay - 18001 0344 800 8020

Your Ref: 06/21/0158/F
Date: 12 May 2021

My Ref: 9/6/21/0158

Tel No.: 01603 638070

Email: stuart.french@norfolk.gov.uk

Dear George

Great Yarmouth: Proposed change of use from public house to convenience store with extension, alterations to parking layout and hard landscaping
The Albion, Albion Tavern Public House, 87 Lowestoft Road, Gorleston, Great Yarmouth, NR31 6SH

Thank you for your recent consultation with respect to revised plans for the above application to which the Highway Authority raise no objection, but would recommend the following conditions be appended to any grant of permission your Authority is minded to make.

SHC 17 Prior to the first use of the development hereby permitted visibility splays measuring 2.4 metres x 43 metres shall be provided to each side of the access where it meets the near edge of the adjacent highway carriageway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with the principles of the NPPF.

SHC 21 Prior to the first use of the development hereby permitted the proposed access, on-site car and cycle parking, servicing/loading/unloading and turning 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 areas, in the interests of satisfactory development and highway safety.

Yours sincerely

Stuart French

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

From: Kevin Day <>
Sent: 06 April 2021 00:20
To: plan <plan@great-yarmouth.gov.uk>
Subject: 06/21/0158/f. albion gorleston

Have looked [online](#) for this application and can not find the details please add this objection to the file

whilst government planning rules tie your committees hands to one box fits all.

I believe there are significant grounds with in the local community to object to the proposal of conversion into retail shop.

The pub has been a viable business over the 35 years that i have known it, and has stood on the site for considerably longer

It is the only pub with a reasonable enclosed (by fence) outside space in the area

The model of punch taverns and their responsibility to stock markets prevents them from allowing a pub to run in an even and fair way with the prime objective to sell land without regard to the area. Under their stewardship allowed the intimacy to be ripped out of the building.

Should you approve this application the committee MUST first consider what other community space is left in the area of such size.

You have already eliminated Endeavour ranger hall, And nelson road nursery, station hotel went long ago all to accommodation & holiday lets.

Places for local community meting and gathering are an upmost importance to mental health and local economy.

There is more than sufficient local owner self-employed and national food retail shops within 5 minits walk.

The current manager has an unofficial permitted parking arrangement with locals. Without this there would be an even bigger parking problem which the planning committee have created over the years by allowing residential housing development on several plots that had 8-16 garages dispersing those cars on the road

WHERE IS THE THOUGHT OUT PLAN FOR THIS AREA

k day

95

nr316ad

Application 06/21/0158/F

Name Miss J Iliff

Address Lowestoft Road
Gorleston Great Yarmouth
NR31 6SW

Telephone

Email

Response OBJ Object

Speak **No**

Comments

[illegible]

Change Type

Downloaded from <http://ajph.org/> on November 10, 2014

OWPC14337

Transfer

Delete or Invalidate

Page 10 of 10

Delete/Invalidate

I would like to submit my objection to the proposal as the loss of a valued community asset which provides entertainment, is a meeting space for the local area and is one of few pubs which welcome families.

Another grocery shop is not needed as there are 4 in the immediate surrounding area and Gorleston High Street is only 5 minutes walk away.

A community space like this one is very much needed, especially when people have been separated and isolated so much over the past year.

Several pubs in Gorleston have shut over the years and we need to keep the few that are left - and that have no disturbance issues - to serve their community and provide a friendly port of call when needed.

With more single households and retirees in the local area, a place where they can socialize, interact and feel part of a group is now - more than ever - a much needed, but unfortunately ever dwindling, part of the social fabric of every local community.