

Reference: 06/15/0548/F & 06/15/0550/CC

Parish: Great Yarmouth

Officer: Richard Fitzjohn

Expiry date: 25th November 2015

Applicant: Sainsbury's Supermarkets Ltd

Proposal: Demolition of vacant public house and erection of petrol filling station and landscaping works.

Site: Sainsbury's Supermarket, St Nicholas Road, Great Yarmouth, Norfolk, NR30 1NN

REPORT

1. Background/History:-

- 1.1 The application site is located to the northern side of St Nicholas Road and currently comprises part of the existing Sainsbury's supermarket car park and a former public house, the Tudor Tavern, which has been vacant since 2013.
- 1.2 The proposal seeks to demolish the vacant public house and erect a 4 pump petrol filling station covered by a flat canopy with an associated sales kiosk building and car wash, in addition to 3x 60,000 litre underground fuel tanks. The proposal would also replace part of an existing car park which currently serves Sainsbury's Supermarket.
- 1.3 Two applications have been submitted for the proposal:- 06/15/0550/CC seeks permission for demolition of the vacant public house and 06/15/0548/F seeks permission for the proposed new petrol filling station.
- 1.4 The planning history of the site comprises 49 applications. The most relevant planning history is shown below:

06/00/0649/F – Extension to provide add sales area, prep area, new customer rest, new entrance lobby, new customer facs and amended car park layout – Approved with conditions 28/06/2001

06/89/0015/CC – Demolition of buildings in conservation area – Conservation Area Consent 21/02/1989

06/88/0953/D – Supermarket inc preparation/storage facilities, staff amenities, car parking and access roads – Approval of details with conditions 06/10/1988

06/88/0900/D – Non-food store – Approval of details with conditions 06/10/1988

06/88/0730/D – Details of car parking and access – Approval of details with

conditions 06/10/1988

06/87/0112/O – 75000 sq ft superstore – 25000 sq ft non food retail store plus ancillary car parking – Approved with conditions 14/08/1987

2 Consultations:-

2.1 Nine letters of objection and an objection petition signed by 402 contributors have been received in relation to the application, which are attached to this report. The issues raised are summarised below:

- The application does not mention the requirement for waste storage and collection of contaminated waste.
- The surplus car parking spaces should be brought into use to promote development of the site which contributes to the character and appearance of the conservation area.
- The Design and Access statement fails to address relevant requirements.
- Loss of 35 car parking spaces within the Sainsbury's site could economically harm all businesses in town by reducing parking facilities for the public to use.
- Demolition of the public house will remove the residential flats above which were used before the tenant was removed.
- The proposal would involve the installation of fuel pumps and tanks, and exterior plant equipment for air conditioning and refrigeration.
- The volume of fuel stored at the existing petrol filling station opposite Sainsbury's and the proposed new petrol filling station would create an increased environmental and fire hazard.
- The proposal is unnecessary as Great Yarmouth is served by sufficient existing facilities in both retail and petrol filling stations, including a petrol filling station within 100 metres.
- Reduction in car parking facilities within the area.
- Loss of employment which would be caused is unnecessary.

2.2 One letter of support has been received in relation to the application, which is attached to this report. The reasons given for support are summarised below:

- The proposal would enhance the derelict site
- The area as a whole would benefit from additional lighting.
- Nearby property values could potentially increase.

- 2.3 Highways – Reduction of parking provision unlikely to have a material effect or displace parking onto the highway. Considering both the proposed landscaping and the fact that existing highway lighting exists on St Nicholas Road, the overall effects of the proposed lighting may be minimal. No objection but recommend the following conditions be appended to any grant of planning permission:

SHC24 – Prior to the commencement of the use hereby permitted, the proposed access, on-site car and cycle parking, servicing, loading/unloading, turning/waiting areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that use.

SHC34 – No external lighting shall be installed other than in accordance with the lighting plan as illustrated and described on the submitted plans and is to be retained such that it will not cause glare beyond the site boundaries.

SHC50 – The external lighting should be installed and directed in such a manner as to cause no inconvenience or hazard to the users of the adjacent highway. The County Council reserves the right to inspect the installation to confirm that this condition is met and to request the fitting of louvers or baffles if required.

- 2.4 Environmental Health – No comments to make.

- 2.5 Conservation – Not supported by conservation as a reasonable building in the conservation area which could be re-used as the shop / payment point is being demolished. This application should be refused and the alternative approach given above adopted.

- 2.6 Historic Environment Service – Based on currently available information, the proposal does not have any implications for the historic environment. No recommendations for archaeological work.

- 2.7 Building Control – No adverse comments.

- 2.8 GYB Services – The proposal is not related to domestic waste.

- 2.9 The Environment Agency – No objection subject to the contamination conditions specified within the attached consultation response being appended to any grant of planning permission

3 Local Policy:-

3.1 POLICY SHP12

PETROL FILLING STATIONS AND SERVICE AREAS (INCLUDING ROADSIDE CAFES AND RESTAURANTS) MAY BE PERMITTED ONLY WHERE:

(A) THE PROPOSAL WOULD NOT BE LIKELY TO RESULT IN A SIGNIFICANT HAZARD TO ROAD SAFETY OR SIGNIFICANTLY IMPEDE THE FREE FLOW OF TRAFFIC ON ANY HIGHWAY IN THE LOCALITY;

(B) THERE WOULD BE NO SIGNIFICANT ADVERSE IMPACT ARISING FROM NOISE OR GENERAL DISTURBANCE;

(C) THERE WOULD BE NO SIGNIFICANT ADVERSE IMPLICATIONS FOR THE ENVIRONMENT OR LANDSCAPE; AND,

(D) ANY HIGHWAY IMPROVEMENTS REQUIRED BY THE PROPOSAL WOULD NOT HAVE A SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT.

(Objective: To protect the environment and landscape and ensure highway safety.)

3.2 POLICY BNV10

NEW DEVELOPMENT IN OR ADJACENT TO A CONSERVATION AREA WILL BE REQUIRED TO BE SYMPATHETIC TO THE CHARACTER OR APPEARANCE OF THE AREA IN TERMS OF SCALE, HEIGHT, FORM, MASSING, MATERIALS, SITING AND DESIGN.

3.3 POLICY BNV16

THE COUNCIL WILL PERMIT NEW DEVELOPMENT, INCLUDING MODERN ARCHITECTURE, WHICH PROVIDES A HIGH QUALITY OF DESIGN AND TOWNSCAPE COMPLIMENTARY TO ITS SETTING, AND WHICH WOULD RESULT IN ENHANCEMENT OF AN AREA. TO THIS END, THE COUNCIL WILL NOT OPPOSE PROPOSALS FOR THE SUITABLE REPLACEMENT OF EXISTING BUILDINGS OR STRUCTURES WHICH DETRACT FROM THE CHARACTER OR APPEARANCE OF AN AREA.

4 National Policy:- National Planning Policy Framework (NPPF)

4.1 Paragraph 18

The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

4.2 Paragraph 19

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

4.3 Paragraph 20

To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

4.4 Paragraph 61

Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic

considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

4.5 Paragraph 129

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

4.6 Paragraph 135

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

4.7 Paragraph 136

Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

4.8 Paragraph 138

Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

5 Emerging Local Plan: Draft Core Strategy (Regulation 19, 2013)

5.1 Policy CS1

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 location that

compliments the character and supports the function of individual settlements.

b) Mixed adaptable neighbourhoods that provide choices and effectively meet the needs and aspirations of the local community.

5.2 Policy CS9

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

c) Promote positive relationships between existing and proposed buildings, streets and well lit spaces, creating safe, attractive, functional places with active frontages that limit the opportunities for crime.

e) Provide vehicular access and parking suitable for its use and location, reflecting the Councils adopted parking standards.

f) Seek to protect biodiversity, landscape and townscape quality and the amenity of people living and working in or nearby a proposed development from factors such as noise, light and air pollution.

6 Assessment:-

6.1 The application site comprises part of the existing Sainsbury's supermarket car park and a vacant public house, the Tudor Tavern. The Tudor Tavern fronts on to St Nicholas Road to the south. There is an existing access road to the east of the application site which currently serves as access to both the Sainsbury's car park and the existing petrol filling station sited adjacent to it.

6.2 The proposal includes an 87 square metre sales kiosk, approximately 4.2m in height. The height of the flat roof forecourt canopy would be 4.7m high with a corporate sign shown on the proposed plans projects a further 1.3m in height.

6.3 One letter of support has been received in relation to the proposal. 9 letters of objection have been received and an objection petition with 402 contributors.

6.4 The site is located within a Conservation Area and Edge of Centre Area as defined under the adopted Borough-Wide Local Plan. The effect of the proposal on the surrounding area, particularly its impact on the character and appearance of the conservation area, should be considered.

6.5 Policy BNV16 states the Council will not oppose proposals for the suitable replacement of existing buildings which detract from the character or appearance of an area. The vacant public house proposed to be demolished has not traded since 2013 and is in a poor state of repair resulting in an appearance which is detrimental to the character and appearance of the surrounding conservation area. The building is not of any significant importance in terms of architectural merit or its contribution to the visual amenity of the area.

- 6.6 The National Planning Policy Framework requires that in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The site lies adjacent to the existing supermarket and petrol station on the north side of St Nicholas Road and the proposed petrol station would be in keeping with the similar nature of the existing development. The appearance of the proposal would be sympathetic to this part of the conservation area in terms of height, scale, form and design and is considered to be an appropriate form of development within the existing supermarket car park, in accordance with Policy BNV10.
- 6.7 Due to the nature of the proposed development, the vast majority of visitor journeys would be made by car, however the application site is located within a sustainable location where large volumes of vehicular traffic generation already exist. The proposal would retain the existing access off St Nicholas Road and would not result in any alterations to the direction of traffic flow entering and exiting the Sainsbury's car park. The petrol filling station would be accessed from within the existing Sainsbury's car park, requiring minimal alterations to the existing car park layout. Although the proposal would result in an increased volume of traffic flow into the site, queuing space is provided to the rear of the forecourt. The existing Sainsbury's car park provides 460 car parking spaces. The proposal would result in the loss of 35 spaces, retaining 425 spaces. The Transport Statement submitted with the application provides traffic data which suggests that occupancy peaks at around 230 spaces which means only 54% of the car park would be used, leaving 195 parking spaces free. The proposal has been subject to pre-application discussions with the Highways Authority and the Highways Officer is satisfied that the loss of parking spaces is unlikely to have a material effect or displace parking onto the highway.
- 6.8 Additional noise would be created by the development through means of increased traffic generation, however given the location of the site and its existing use it is unlikely that this increase would create a significant impact.
- 6.9 Policy SHP12 relates specifically to the proposed development of petrol filling stations, stating that they may be permitted subject to criteria (A)-(D) being met. The proposal would be unlikely to create significant rise to issues relating to road safety, traffic or noise, whilst not requiring any highway improvements to accommodate it outside of the site. A soft landscaping proposal has been submitted with the application which would enhance the landscaping surrounding the site and improve the appearance of the site adjacent to St Nicholas Road. The additional lighting created by the proposal could contribute positively to the safety of pedestrians and contribute as a deterrent to crime near to the site.
- 6.10 An objection been received relating to the potential impacts of contamination. The Environment Agency have been consulted on the application and have raised no objection subject to the specified contaminated land conditions being appended to any grant of planning permission. These conditions are included within the Environment Agency consultation response which are attached to the report. Any issues relation to contamination can therefore be controlled through condition.
- 6.11 Due to the siting of the proposal within close proximity to an existing petrol filling station, objections have also been raised relating to its necessity in this location.

However, with the lack of a policy objection the application should not be refused for this reason.

- 6.12 An objection has also been raised relating to loss of employment, however the re-use of a vacant site and addition of a new petrol station would likely create additional employment opportunities.

7 Recommendation:-

- 7.1 Approve - The proposal complies with Policies SHP12, BNV10 and BNV15 of the Great Yarmouth Borough-Wide Local Plan 2001.

Approval should be subject to the conditions recommended by the Local Highway Authority and Environment Agency.

To: Conservation Officer

My Ref: 06/15/0548/F

FUE

From: Development Control Manager

Date: 14th October 2015

Case Officer: Miss G Manthorpe
Parish: Great Yarmouth 15

Development at:-

St Nicholas Road
Sainsbury's Supermarket
Great Yarmouth
Norfolk

For:-

Demolition of vacant public
house and erection of petrol
filling station and
landscaping works

Applicant:-

Sainsbury's Supermarkets Ltd
c/o Mr A Astin Indigo Planning
Toronto Square
Toronto Street
LEEDS

Agent:-

Mr Andrew Astin
Toronto Square
Toronto Street
Leeds
West Yorkshire (Met County)

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

Please let me have any comments you may wish to make by 28th October 2015.

COMMENTS:

JAN HARDY 20.10.15.

THIS PROPOSAL IS NOT SUPPORTED
BY CONSERVATION AS A REASONABLE
BUILDING IN THE CONSERVATION AREA
WHICH COULD BE REUSED AS THE
SHOP/PAYMENT POINT (AS SUGGESTED PREVIOUSLY)
IS BEING DEMOLISHED. THIS APPLICATION
SHOULD BE REFUSED AND THE
APPROACH GIVEN AGAIN AND AGAIN

Ms G Manthorpe
Great Yarmouth Borough Council
Planning Department
Town Hall
Great Yarmouth
Norfolk
NR30 2QF

Our ref: AE/2015/119762/01-L01
Your ref: 06/15/0548/F
Date: 04 November 2015

Dear Ms G Manthorpe,

DEMOLITION OF VACANT PUBLIC HOUSE AND ERECTION OF PETROL FILLING STATION AND LANDSCAPING WORKS. ST. NICHOLAS ROAD, GREAT YARMOUTH, NORFOLK, NR30 1NN.

Thank you for your consultation received on 19 October 2015. We have inspected the application, as submitted, and we have no objection to the proposal subject to the contaminated land conditions below being attached to any permission. Our detailed comments are below.

Groundwater & Contaminated Land

This site is located above Secondary A and Principal Aquifers, a WFD groundwater body, and is also in a WFD drinking water protected area and with nearby groundwater abstractions. The site is considered to be of high sensitivity. The historic use and proposed fuel storage and distribution could present potential pollutant linkages to water environment.

We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition 1

<Prior to each phase of development approved by this planning permission no development / No development approved by this planning permission> (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
all previous uses
potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Advice to LPA

This condition has been recommended as we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

The Local Planning Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the Local Planning Authority decide to obtain the necessary information under condition we would request that this condition is applied.

Condition 2

No occupation <of any part of the permitted development / of each phase of development> shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition 3

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Condition 4

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

To protect and prevent the pollution of controlled waters (particularly the Secondary (undifferentiated) and Principal aquifers, Source Protection Zone 3, nearby watercourse and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

Condition 5

The development hereby permitted shall not be commenced until such time as a scheme to install <the> underground tank(s) and associated infrastructure has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

Reasons

To protect and prevent the pollution of controlled waters (particularly the Secondary A and Principal aquifers, nearby groundwater abstractions and EU Water Framework Directive Drinking Water Protected Area) from potential

pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements D2 and D3.

Condition 6

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons

To protect and prevent the pollution of controlled waters (particularly the Secondary A and Principal aquifers, nearby groundwater abstractions and EU Water Framework Directive Drinking Water Protected Area) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3 v.1.1, 2013) position statements G1, G9 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

Condition 7

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>

Reasons

Piling or other penetrative ground improvement methods can increase the risk to the water environment by introducing preferential pathways for the movement of contamination into the underlying aquifer and/or impacting surface water quality.

For development involving piling or other penetrative ground improvement methods on a site potentially affected by contamination or where groundwater is present at a shallow depth, a suitable Foundation Works Risk Assessment based on the results of the site investigation and any remediation should be undertaken. This assessment should underpin the choice of founding technique and any mitigation measures employed, to ensure the process does not cause, or create preferential pathways for, the movement of contamination into the underlying aquifer, or impacting surface water quality.

We have reviewed the following reports, and have provided comments for each report.

EPS Phase I Geo-Environmental Desk Study of 10 June 2015 (ref: UK15.1868)

The report identifies a past textile factory land use, which is acknowledged as a potential source of contamination. The report identifies shallow groundwater but states that due to the age of the historical use and low area of soft landscaping, the risk is acceptable. We disagree that the risk to the water environment is acceptable based on the evidence provided. If there are areas of soft landscaping, leachability of the soils in these locations should be assessed. Also, an intrusive investigation may identify contamination within groundwater or soils below peak seasonal groundwater levels. The report also states in section 3.4 that the contaminants of concern (TPH, PAGH, Metals and Organic Solvents) are of low mobility. Most of these contaminants are of high mobility, so we disagree with this statement.

EPS Flood Risk Assessment / Drainage Assessment of 10 June 2015 (ref: UK15.1868)

This report makes reference to the possibility of using infiltration devices, as does the application form which refers to the use of soakaways to dispose of surface water. We note that shallow groundwater is identified at the site, which may prevent the practical use of soakaways. If soakaways are still proposed, only roof water should be discharged direct to this soakaway, and only in areas of ground proven to be absent of leachable contamination which will require leachability testing at the site of any proposed soakaway. Drainage of the forecourt to soakaway would unlikely to be accepted even if it was via an oil-water interceptor, as high dissolved concentrations of hydrocarbons will still likely to be present, which would result in a deterioration of groundwater quality. Please review our SuDS informative at the end of this letter.

EPS Fuel Storage Feasibility Assessment of 21 September 2015 (ref: UK15.1868)

We appreciate that an above versus below ground assessment of fuel storage has been undertaken for this planning application. Based on the entirety of the report we would in this case be willing to consider below ground storage as an option, despite the environmental sensitivity highlighted in this report. The report suggests in section 7 that tertiary containment would provide sufficient protection to groundwater. We consider that a vaulted storage would be a preferred option instead of concrete mass fill with monitoring points outside of the tank, and therefore should be considered by the designers to ensure a system is delivered that provides maximum environmental protection given the environmental sensitivity of the site.

A vaulted storage would allow the installation of monitoring pipes which could be used to dewater the vault if required; allow pumping of any hydrocarbons should there ever be a leak, and as a method of identifying leaks at the base of the vault.

Monitoring/dewatering pipes should be located at low points within the vault. If a tank were to fail, removal of the tank would be possible without removal of the tertiary containment, and a tank swap should be possible. It should be noted that blowing (running) sands are a high geotechnical risk for the area, and this may create significant practical problems with dewatering and excavating the vault (or any tank excavation).

Dewatering should also be considered as any dewatering over 20m³ a day would require a licence, please refer to our dewatering informative in the appendix. We would require detailed design drawings to allow discharge of associated planning conditions relating to tank design. The double skinned tank would also require active leak detection. This was recommended for the double skinned pipework, which is a preferred option, but should also be utilised for the tank as part of the secondary containment.

We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations.

Advice to Applicant - Dewatering

Dewatering the proposed excavation may lower groundwater levels locally and may derogate nearby domestic and licensed groundwater sources and other water features. You should locate all these and agreement should be reached with all users of these supplies for their protection during dewatering. Subject to a detailed impact assessment, to be carried out by the applicant, compensation and/or monitoring measures may be required for the protection of other water users and water features.

It should be noted that under the New Authorisations programme abstraction for dewatering to facilitate mineral excavation or construction works will no longer be exempt from abstraction licensing. However, these provisions of the Water Act 2003 are being implemented in several phases. Although dewatering activities do not yet require an abstraction licence, you should contact the National Permitting Service (NPS) before the commencement of any dewatering to confirm the legal requirements at the time. When scheduling their work, the applicant should be aware that it may take up to 3 months to issue an abstraction licence.

Also please refer to our 'Temporary water discharges from excavations' guidance when temporary dewatering is proposed

Please see the technical appendix below for further advice on Sustainable Drainage Systems (SuDS).

We trust this advice is helpful.

Yours sincerely,



Ms Louisa Johnson
Sustainable Places - Planning Advisor

Direct dial [REDACTED]

Direct e-mail [REDACTED]

cc Indigo Planning Ltd



Awarded to Essex, Norfolk and Suffolk Area

Technical Appendix - Sustainable Drainage Systems (SuDS) informative

1. Infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.
2. Infiltration SuDS have the potential to provide a pathway for pollutants and must not be constructed in contaminated ground. They would only be acceptable if a phased site investigation showed the presence of no significant contamination.
3. Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.
4. The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.
5. Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction).
6. SuDS should be constructed in line with good practice and guidance documents which include the SuDS Manual (CIRIA C697, 2007), the Susdrain website (<http://www.susdrain.org/>) and draft National Standards for SuDS (Defra, 2011)
For further information on our requirements with regard to SuDS see our Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) document Position Statements G1 and G9 – G13 available at: <https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>

We recommend that developers should:

- 1) Refer to our '[Groundwater Protection: Principles and Practice \(GP3\)](#)' document;
- 2) Follow the risk management framework provided in CLR11, '[Model Procedures for the Management of Land Contamination](#)', when dealing with

land affected by contamination;

3) Refer to our 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health;

4) Refer to our Land Contamination Technical Guidance;

5) Refer to the CL:AIRE 'Definition of Waste: Development Industry Code of Practice' (version 2) and our related 'Position Statement on the Definition of Waste: Development Industry Code of Practice';

6) Refer to British Standards BS 5930:1999 A2:2010 *Code of practice for site investigations* and BS10175:2011 A1: 2013 *Investigation of potentially contaminated sites – code of practice* and our 'Technical Aspects of Site Investigations' Technical Report P5-065/TR;

7) Refer to our 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' National Groundwater & Contaminated Land Centre Project NC/99/73. The selected method, including environmental mitigation measures, should be presented in a 'Foundation Works Risk Assessment Report', guidance on producing this can be found in Table 3 of 'Piling Into Contaminated Sites';

8) Refer to our 'Good Practice for Decommissioning Boreholes and Wells'.

9) Refer to our 'Temporary water discharges from excavations' guidance when temporary dewatering is proposed

Gemma Manthorpe
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
Norfolk
NR30 2QF

Your Ref: 06/15/0548/F
Date: 26 October 2015

My Ref: 9/6/15/0548
Tel No.: 
Email: 

Dear Gemma

Great Yarmouth: Demolition of vacant public house and erection of petrol filling station and landscaping works
St Nicholas Road Sainsbury's Supermarket Great Yarmouth Norfolk NR30 1NN

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

The proposals have been subject to pre-application discussions with the Highway Authority and appropriate supporting information has been provided as requested to allow appropriate consideration to be given to the proposals.

I am satisfied that, whilst there is a notional loss in parking provision within the site, this is unlikely to have a material effect nor is it likely to displace parking onto the highway.

It is noted that the proposed lighting for the petrol filling site does spill slightly onto the highway, however it is noted that the proposals include for landscaping and taking both the landscaping and the fact that existing highway lighting exists on St Nicholas Road, the overall effects may be minimal. However, the Highway Authority would wish to reserve the right to seek appropriate mitigation should the need arise, and I would propose to do this by condition.

I am presuming that an advertisement application will be made in due course for any signing proposed as part of the development.

Therefore, in highway terms only I have no objection to the proposals, but I would recommend the following conditions and informative note be appended to any grant of permission your Authority is minded to make.

Continued/...

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 areas 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 34 No external lighting shall be installed other than in accordance with the lighting plan as illustrated and described on the submitted plans and is to be retained such that it will not cause glare beyond the site boundaries.

Reason: In the interests of highway safety.

SHC 50 The external lighting should be installed and directed in such a manner as to cause no inconvenience or hazard to the users of the adjacent highway. The County Council reserves the right to inspect the installation to confirm that this condition is met and to request the fitting of louvers or baffles if required.

Reason: In the interests of highway safety

Yours sincerely

Stuart French

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

Jill K. Smith

From: Dack, Zara <[REDACTED]>
Sent: 28 October 2015 15:49
To: plan
Subject: Great Yarmouth, St Nicholas Road

Dear Miss G Manthorpe

RE: Great Yarmouth, St Nicholas Road, 06/15/0548/F

Thank you for consulting with us about this planning application enquiry.

Based on currently available information the proposal does not have any implications for the historic environment and we would not make any recommendations for archaeological work.

If you have any questions or would like to discuss our recommendations please contact James Albone on [REDACTED] or [REDACTED]

Zara Dack
Historic Environment Assistant (Planning)
Historic Environment Service
Environment and Planning
Community and Environmental Services
Norfolk County Council
Tel: [REDACTED]
email: [REDACTED]

Please note that as of September 1st 2015 we will be charging for some of our services. Details can be found on our website http://www.norfolk.gov.uk/Environment/Historic_environment/index.htm

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To see our email disclaimer click here <http://www.norfolk.gov.uk/emaildisclaimer>

MEMORANDUM

From Environmental Health

To: Head of Planning and Development,
Attention: Miss G Manthorpe

Date: 16^h October 2014

Your ref: 06/15/0548/F

Our ref: SRU 63774

Extension: 846544

Please ask for: Mark Baker

**Development at
St Nicholas Rd
Sainsbury's Supermarket
Great Yarmouth
Norfolk**

For – Demolition of vacant PH and erection of PFS and landscaping

I would comment as follows –

Having examined the details of the application I have no comments to make about the proposed development.

**Mark Baker
Environmental Health Officer
Great Yarmouth Borough Council**

From ~~PC~~: Building Control Manager

My Ref: 06/15/0548/F

To ~~From~~: Development Control Manager

Date: 9th October 2015

Case Officer: Miss G Manthorpe
Parish: Great Yarmouth 15

Development at:-

St Nicholas Road
Sainsbury's Supermarket
Great Yarmouth
Norfolk

For:-

Demolition of vacant public
house and erection of petrol
filling station and
landscaping works

Applicant:-

Sainsbury's Supermarkets Ltd
c/o Mr A Astin Indigo Planning
Toronto Square
Toronto Street
LEEDS

Agent:-

Mr Andrew Astin
Toronto Square
Toronto Street
Leeds
West Yorkshire (Met County)

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

Please let me have any comments you may wish to make by 23rd October 2015.

COMMENTS:

No adverse comments

22/10/15

To: FAO Peter Stockwell
Churchill Road Great Yarmouth

My Ref: 06/15/0548/F

From: Development Control Manager

Date: 14th October 2015

Case Officer: Miss G Manthorpe
Parish: Great Yarmouth 15

Development at:-

St Nicholas Road
Sainsbury's Supermarket
Great Yarmouth
Norfolk

For:-

Demolition of vacant public
house and erection of petrol
filling station and
landscaping works

Applicant:-

Sainsbury's Supermarkets Ltd
c/o Mr A Astin Indigo Planning
Toronto Square
Toronto Street
LEEDS

Agent:-

Mr Andrew Astin
Toronto Square
Toronto Street
Leeds
West Yorkshire (Met County)

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

Please let me have any comments you may wish to make by 28th October 2015.

COMMENTS:

Not related to domestic
waste



ALL DOCUMENTS & PLANS CAN BE
VIEWED ON THE GYBC WEBSITE
USING THE FOLLOWING LINK:

<http://planning.great-yarmouth.gov.uk/OcellaWeb/planningSearch>

Acc'd
24/10/15

STATEOIL

Prax House
Horizon Business Village
1 Brooklands Road
Weybridge
Surrey
KT13 0TJ

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



20 October 2015

Dear sir / madam

RE: Planning Application – 06/15/0548/F

I am writing to object to the planning application made by Sainsbury's supermarket for the erection of a new filling station on St Nicholas Road, Great Yarmouth.

As the Head of Operations for the State Oil Group I have a vested interest in this proposal being the current tenants of the petrol filling station next door to Sainsburys. In fact the proposed location of the Sainsburys site is not 10 metres from our boundary.

I have looked at the proposed application and noted some points that I believe have not been stated and wish to object on the following grounds:

- **7. Waste Storage & Collection:**
Motor filling stations will produce contaminated waste where small spillages from customers filling their cars land on the forecourt and are washed into interceptor tanks for safe storage. The contaminated waste is then collected on regular basis and disposed of. The application does not mention this requirement.
- **11. Vehicle Parking:**
There will be a reduction of 35 parking spaces in the car park. This can harm all businesses in the town by reducing facilities for the public to park their cars safely and economically impact the businesses trying to survive in an already tough environment.
- **18. Residential Units:**
The demolition of the public house will remove the residential flats that were used above the public house before the tenant was removed.
- **23. Industrial or Commercial Processes and Machinery:**
The installation of a shop and petrol station will involve the installation of pumps and tanks to store and dispense fuel. I believe that the shop would have air conditioning installed and exterior condensers for the refrigeration units.
- **24. Hazardous Substances:**
Hazardous substances are involved in the proposal. The presence of motor fuels are deemed as potential hazardous substances. The volume of fuel stored on the existing site opposite Sainsburys and the proposed new site would provide this specific area with an increased environmental and fire hazard.

STATEOIL

Prax House
Horizon Business Village
1 Brooklands Road
Weybridge
Surrey
KT13 0TJ

The existing site at St Nicholas is part of a redevelopment plan by my company and is scheduled for work in 2016, along with eight other filling stations. If the planning was granted, we would have to re-assess the plans for the St Nicholas Filling station and if business was severely affected by the new site, employment could be lost at both the site and head office.

There is also the worst case scenario that the existing site, ceases trading and is closed, a potential eye sore to the community.

It is on these grounds I wish to stop the granting of planning to Sainsburys.

If you have any questions regarding this matter, please do not hesitate in contacting me on 07825752259 or by email clivealbury@stateoil.co.uk

Yours sincerely,



Clive Albury
Head of Operations
STATE OIL LIMITED

Council will take Staitoil's comment as supported in this letter into account when it comes to consider the application. I am aware however must make planning decisions that comply with its statutory duties. As you know Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to consider the proposal against the Development Plan. This states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

As I will explain I do not consider that the proposal accords with the Development Plan, the 2001 Local Plan. In coming to this view I have considered the Guidance contained in the National Planning Policy Framework, and the emerging Core Strategy that will replace the Local Plan in due course.

I consider that the application has been prepared in a way that ignores the statutory test, and national guidance that applies where proposals affect land with designated conservation areas.

As you know the Council is considering whether to grant planning permission for the proposal must apply Section 72 of the Listed Building Act 1990 which provides:

"In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

I will now set out my reasons for concluding that planning permission should not be granted for the proposal.

The Proposal:

The proposal is situated within the St Nicholas Road/ Northgate Street Conservation Area. The proposal involves the demolition of an unlisted building in a conservation area, The Tudor Public House. A number of trees are located on site, and consent may be required for their lopping or felling. All of the land the subject of the application is owned by Sainsbury, and the application site measures 3872 sq m. Much of this site area is currently part of the Car park serving the Sainsbury supermarket. The proposed development will reduce the surface car park from 460 to 425 spaces, a reduction of 35 spaces and associated circulation space. Traffic studies suggest that peak parking demand at the Supermarket requires only 230 spaces, leaving 190 unused spaces. The Petrol Filling Station will provide a kiosk of 87sqm of which 43sqm will be net sales area.

The Case for the demolition of the Tudor Public House, and Preserving or enhancing the Character or appearance of the Conservation Area.
The applicants have not made a case for the demolition of the Tudor Public House which as an unlisted building in a Conservation Area is a designated Heritage Asset. The Government at National Planning Policy Framework (NPPF) paragraph 131 states:

"In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;**
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and**
- the desirability of new development making a positive contribution to local character and distinctiveness.**

It is clear that neither the proposed demolition of an unlisted building in a conservation area nor the statutory test at Section 72 as amplified by NPPF paragraph 131 has been addressed in a positive manner as required. Specifically in the context of the above guidance:

- Why the Public house need be demolished to provide a Petrol Filling Station when Sainsbury's have 190 parking spaces which are surplus to peak demand and which could be allocated for the Petrol Filling Station in place of the Public House?
- What evidence has been presented by the applicant to show that the Public House can no longer be put to a viable use consistent with its conservation?
- How does the proposal for a Petrol filling Station designed to meet Sainsbury's brief make a positive contribution to local character and distinctiveness. Does the development preserve or enhance the character or appearance of the Conservation area in which it is located.

If any of the above questions that arise from a consideration of the guidance in NPPF 131 is answered in the negative, there are grounds for the Council to refuse planning permission.

The applicant is expected in preparing a Design and Access report to address a number of matters that are intended by the Government to ensure a high quality of Design. The applicant fails to provide this in the submitted Design and Access Statement as it fails to comply with the relevant requirements set out in Regulation 9 (3) of the Town and Country Development Management Procedure Order 2015. Which states:

A Design and Access Statement must-

- a. explain the design principles and concepts that have been applied to the development;

- b. demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account.

The Design and Access Statement fails to explain how the design principles and concepts reflect the context of the Conservation area, and fails to explain how the design of the proposal takes that context into account.

While it is not within the scope of the determination of this application, since Sainsbury's consider that there are 190 car parking spaces on its site that are surplus to peak demand, the council should invite the applicant to enter into discussions to bring this surplus land back into use by developing the perimeter of its site to create a form of townscape in keeping with the character and appearance of the rest of the conservation area rather than contemplate removing this opportunity by approving a Petrol Filling Station on this site.

I can find no other material consideration or Development Plan Policy that would support the approval of the proposed Petrol Filling Station in the above circumstances. The harm caused by the proposed development to the character and appearance of the conservation area could be averted by design, and the current scheme should be refused on Conservation area and design grounds.

The opportunity presented by the potential to release of 190 parking spaces and associated circulation space surplus to peak parking demand, to promote a development of the site that could contribute to the character and appearance of the conservation area should not be prejudiced by the approval of a development that will harm the character and appearance of the conservation area. For this and the above reasons I consider that the Council should refuse planning permission and should engage with the applicant to bring forward a development that accords with NPPF paragraph 131.

I would be delighted to meet with members and or officers to discuss the application prior to its determination.

Regards,

Howard Kauffman

ACK'D
30/10/15



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

24 October 2015

To Whom it may concern

RE: Planning Application – 06/15/0548/F

I am writing to object to the planning application made by Sainsbury's supermarket for the erection of a new filling station on St Nicholas Road, Great Yarmouth.

I have looked at the proposed application and note the following:

There will be a reduction of 35 parking spaces in the car park. This can harm all businesses in the town by reducing facilities for the public to park their cars safely and economically impact the businesses trying to survive in an already tough environment.

The demolition of the public house will remove the residential flats that were used above the public house before the tenant was removed.

The installation of a shop and petrol station will involve the installation of pumps and tanks to store and dispense fuel. I believe that the shop would have air conditioning installed and exterior condensers for the refrigeration units.

Hazardous substances are involved in the proposal. The presence of motor fuels are deemed as potential hazardous substances. The volume of fuel stored on the existing site opposite Sainsburys and the proposed new site would provide this specific area with an increased environmental and fire hazard.

As a local resident I wish to stop the granting of planning to Sainsburys.

Yours sincerely,

A blacked-out signature, likely of the sender, located below the 'Yours sincerely,' line.

Name:

Address:

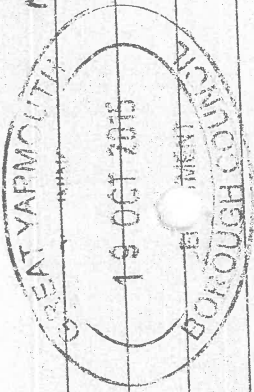
Two lines of blacked-out text representing the sender's address, located below the 'Address:' label.

Elaine Helsdon

From: [REDACTED]
Sent: 28 October 2015 19:08
To: plan
Subject: 06/15/0548/f

ACK'D
29/10/15

I WISH TO FULLY SUPPORT THE ABOVE APPLICATION FOR THE GREAT IMPROVEMENTS SAINSBURYS WOULD LIKE TO MAKE IN THE ST. NICHOLAS ROAD AREA, IF APPROVED IT CAN ONLY ENHANCE A DERELICT SITE AND THE AREA AS A WHOLE WILL BENEFIT BY EXTRA LIGHTING PERHAPS THE VALUE OF THE PROPERTIES WILL INCREASE IN THIS ROAD, THERE ARE MANY ADVANTAGES FOR THE RESIDENTS AND PROPERTY OWNERS IF THEY HAVE A LITTLE VISION. I LIVE OPPOSITE THE PUBLIC HOUSE TO BE DEMOLISHED, NOT A NICE VIEW,GOOD LUCK SAINSBURYS. GLORIA DOYLE.



MR & MRS CLARKE

68 ST NICHOLAS RD

GR YARMOUTH

NR30 1NP

16-10-15

Dear Sir/Madam

Re APPLICATION 06/15/0548/F

I DON'T UNDERSTAND WHY WE NEED

A 2ND PETROL STATION IN

ST NICHOLAS RD WITHIN 100 M OF

EACH OTHER, AS I DON'T THINK

THERE IS A GOOD REASON FOR IT,

Yours faithfully

MR N CLARKE

MRS C CLARKE

Great Yarmouth Borough Council
Customer Services

19 OCT 2015

06/15/0548/F

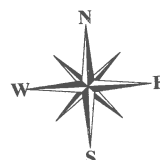


GREAT YARMOUTH
BOROUGH COUNCIL

Planning and Development Department,
Trafalgar House, Greyfriars Way,
Great Yarmouth, Norfolk. NR30 2QE

10 0 10 20 30 40 50 60 70 80 90 100
Metres

Scale = 1:1250 @ A4



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