

DEVELOPMENT MANAGEMENT COMMITTEE ADDENDUM REPORT

5 September 2023

Item 4

Application Number: 06/22/0546/F

Site: Land north of Scratby Road, Scratby

Proposal: Proposed erection of 41 no. dwellings, vehicular access, landscaping, open space, footpath improvements and associated infrastructure

Update

Comments have been received from the Applicant regarding conditions. These are summarised below with an officer response to each:

Condition 4 (M4(2) building design standards) and Condition 5 (Water conservation and efficiency) – the Applicant highlights these measures are set out in the Building Regulations.

Officer response: Policy A2 (Housing design principles), F, requires new homes to meet requirement M4(2) of Part M of the Building Regulations. Policy E7 (Water conservation) requires new residential development, and holiday accommodation in buildings, will be supported only where it meets the higher water efficiency standard of requirement of 110 litres per person per day. Requirements M4(2) and M4(3), and G2 are 'optional requirements' as defined in the Building Regulations. An optional requirement only applies where a condition that one or more dwellings should meet the relevant optional requirement is imposed on new development as part of the process of granting planning permission. Therefore, suitable conditions are required to ensure the optimal Building Regulation requirements for accessibility and water use are triggered.

Condition 8 (details of pumping station and electric substation) – the Applicant comments that plans and elevations of these features already form part of the submission and are detailed on plans 2093 PS01, ESS01 and layout drawing 2093 REV. SL01 R.

Officer response: Notwithstanding the submitted plans the colour, materials and finish of the structures are not detailed on the plans. Given the prominence of the siting of the enclosures, this information is considered necessary.

Condition 9 (Closure of existing vehicular access onto Scratby Road) - the submitted layout drawing 2093 REV. SL01 R shows the access being closed.

Officer response: The condition is necessary to ensure the timing of the closure of access point to meet the requirements of the Highways Authority.

Condition 21 (Recreational Avoidance Strategy) – the Applicant highlights that the HRA deals with this matter and concludes that GIRAMS contribution is sufficient.

Officer response: The GIRAMS contribution seeks to address off-site impacts. This onsite condition, in accordance with the advice of Natural England, would secure a complementary, site specific, approach, such as an information pack for new residents, signage to adjacent public footpaths, the provision of dog bins and information boards to minimise the impact of the development.

Condition 22 (Biodiversity method statement) - Section 6 and fig.5 of the NWS Ecological Report ref 2019/238 details which the (landscaping) scheme will follow through accordingly.

Officer response: The NETI (NCC Ecology) comments identified the Ecology Survey and Shadow Habitat Regulations Assessment to be significantly out of date. Whilst they found the September 2022 Shadows Habitats Regulations Assessment report acceptable with the GIRAMS financial contribution, they also requested a Biodiversity Method Statement. This will collate the various enhancements and

mitigation measures proposed for flora, Birds, Bats, and Hedgehogs within the development, and should be prepared using the information in section 5 and 6 of the Ecology report.

Recommendation:

As per the published report.

Item 5

Planning Application Ref: 06/22/0008/F

Site: Former Trafalgar College (aka former Parenco Site), Land at Junction of Pasteur Road and Thamesfield Way, Great Yarmouth

Proposals: Proposed demolition of existing building and erection of a new discount foodstore (Use Class E) with access, car parking, landscaping and other associated works

Update

There is a typographical error in the published report. The description of the proposal (page 97 of the Agenda Pack) should read:

“Proposed demolition of existing building and erection of a new discount foodstore (Use Class E) with access, car parking, landscaping and other associated works”

A submission has been made on behalf of Tesco Stores Limited

Comments received 12:50pm 5 September 2023. These are summarised below:

The resolution to grant planning permission (22 February 2023), was subject to the completion of a s106 obligation regulating the operation of the retail premises currently used by Lidl. Officers confirmed that the s106 would ensure the following requirements:

- a) that use of the existing Lidl site for retailing under the terms of that permission from 2005 ceases when the new site's use commences, and
- b) prevents the new store from trading until the existing store has ceased trading and has closed, and
- c) the existing site shall not be used thereafter for Class E(a) uses, and
- d) the Existing Lidl Site shall at all times be retained for use as a premises containing a single use and single operator, and shall not be subdivided or used for smaller uses other than as a 90% to 10% ratio of mixed uses where 90% of the floorspace shall be used for the main or predominant use and up to only 10% of the floorspace shall be in a use ancillary to the main use or function of the site with the effect of minimising the opportunity for 'main town centre uses' to be attracted outside defined centres.

The signed s106 secures:

1. *“Not to open the New Foodstore for trade to the public until trading at the Existing Foodstore has ceased and the Existing Foodstore is no longer open for trade to the public and to confirm the same in writing to the Council”*
2. *“Following Occupation of the New Foodstore, not to reopen or resume trading at the Existing Foodstore pursuant to the First Permission for Class E(a) Uses unless otherwise agreed in writing by the Council”* (underlining provided by the representative of Tesco).
3. *“That the building subject of the Existing Lidl site shall at all times be retained for use as a premises containing a single use and single operator, and shall not be subdivided or used for smaller uses other than as a 90% to 10% ratio of mixed uses where 90% of the floorspace*

shall be used for the main or predominant use and up to only 10% of the floorspace shall be in a use ancillary to the main use or function of the Existing Lidl Site”

The concern arises is that the additional provision provided in the second clause of Schedule 2 (as underlined above) provides an indication, at this stage, that the Council is aware of a prospective request by Lidl or its successors.

The request is made for either:

1. this text to be removed; or
2. an obligation making it clear that the Council would not agree to such reopening or resumption other than through the submission and approval of a new planning application.

Two further matters:

The assessment of the planning application by Lidl has been subject to considerations that reflect its specific trading format, sales intensity, traffic generation and parking requirements. Much is made in the supporting documentation of the particular characteristics of the applicant’s operation as a limited line discounter. However, there is no planning condition that limits the use of the premises as a limited line discounter selling, as a maximum, a specific number of product lines. This is necessary and reasonable if the retail, transport and other impacts are to be effectively managed in decision making.

The Officer’s Report fundamentally mislabels the item for decision as a Proposal concerning “Proposed erection of 41 no. dwellings, vehicular access, landscaping, open space, footpath improvements and associated infrastructure”. This risks causing confusion to the public.

Officer response:

The wording within the S106 was not intended to provide a simplified route to agree subsequent changes. Officers have sought legal advice on the options available and a verbal update on this point will be provided at the Committee meeting.

A condition limiting the use of the use of the new unit is not considered necessary. The new store replaces an existing store without this level of restriction upon it, and there is an obligation in the s106 to prevent the existing store being used as a Class E(a) retailing use in order to prevent an increase in cumulative retail impact over and above that of the proposed new foodstore. The net increase in floorspace resulting from the proposed is 348sq metres.

The typographical error in the published report regarding the description of the proposal has been update on the Council’s website. The notification letters advising interested parties that the application is due to be considered at the 6 September 2023 Development Management Committee quoted the correct description of development.

Recommendation:

As per the published report

Item 6

Application Number: 06/23/0472/F

Site: 3 The Fairway, Gorleston, Great Yarmouth NR31 6JS

Proposal: Conversion and change of use of integral garage to use as hair salon; Alterations to front of dwelling – replacing garage door with full height windows

Update

None required.

Recommendation:

As per the published report