

Reference: 06/14/0021/F

Parish: Great Yarmouth

Officer: Mr G Clarke

Expiry Date: 31-03-2014

Applicant: The Restaurant Group PLC

Proposal: Erection of single storey (Class A3) restaurant along with servicing, surface level car parking, cycle parking, landscaping and associated works.

Site: Land off Jones (GC) Way
Great Yarmouth

REPORT

1. Background / History :-

- 1.1 The site involved in the application is an area of land fronting Jones (GC) Way between the roundabout on Pasteur Road and the roundabout at the entrance to the south of the Tesco Store. The land is surrounded on its other boundaries by the site of the proposed Marstons public house/restaurant and drive-through restaurant which is subject to a separate planning application (ref: 06/13/0744/F). The access will be from Jones (GC) Way using a new access road which will be provided as part of that proposal.
- 1.2 In the outline application for the Tesco store which was submitted in 1996 (06/96/0178/O), the application site and the adjoining land to the south were shown as a site for five "employment generating developments" in other words these units were to be used for office/warehouse/industrial purposes. A possible layout was shown on the submitted drawing but no further details were ever received.

2. Consultations :-

- 2.1 Norfolk County Council Highways – No objection subject to conditions.
- 2.2 Highways Agency – No objection.
- 2.3 Natural England – No objection.

- 2.4 Broads Authority – Given the nature of the boundary here it is not considered that there would be an adverse impact on the Broads Executive Area and the Authority therefore do not object to this application. The Authority would just ask that a more robust planting scheme is considered to help soften the visual impacts of the development from afar.
- 2.5 Environment Agency – No objection regarding tidal flood risk, for flood risk from surface water we are not objecting provided that the Internal Drainage Board confirms that the proposed rates will not increase flood risk.
- 2.6 Environmental Health – In order to address various issues identified in the contaminated land assessment the applicants will need to submit a validated remediation strategy for the approval of Environmental Health prior to construction. Also recommends conditions regarding piling, hours of work and possible noise from air conditioning or refrigeration units.
- 2.7 Strategic Planning - The proposal seeks to provide a portion of the retail and leisure needs for the Borough to 2029. Whilst a town or edge of centre location would be preferable to further underpin the town centre's food and beverage offer, as suggested by the Retail Study (2011) it is conceded that there are no other sequentially preferable sites, of the right scale, type and form to otherwise direct development away from an out-of-centre location.

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

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

- 2.8 Internal drainage Board – No response.
- 2.9 Anglian Water – No response.
- 2.10 Norfolk Constabulary – No response.
- 2.11 Norfolk Fire & Rescue Service – No response.

- 2.12 Town Centre Manager – No response.
- 2.13 Cobholm Residents' Association – No response.
- 2.14 Property Services – No response.
- 2.15 Building Control – No response.

If any replies are received from the above consultees following the preparation of this report they will be reported verbally at the meeting.

3. Policy :-

3.1 National Planning Policy Framework (NPPF)

Paragraph 22: Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

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

3.2 Emerging Policies – Draft Core Strategy

Core Policy CS6 – Supporting the local economy

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

Core Policy CS7 – Strengthening our centres

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

3.3 Borough-Wide Local Plan

POLICY EMP10

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

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

POLICY NNV9

Within identified landscape enhancement areas the borough council will promote, seek and secure improvements to the landscape through restoration and enhancement measures including the creation of wildlife habitats.

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

POLICY BNV14

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

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

4. Assessment :-

- 4.1 The proposal is for full planning permission for a restaurant, servicing, car and cycle parking, landscaping and associated works. The proposed restaurant will be sited towards the southern end of the site close to the junction between Jones (GC) Way and the new access, the car park and servicing area will be to the north of the building. The restaurant building will be for Frankie & Benny's who are a national brand with over 200 restaurants throughout the UK, the building will be single storey with a shallow, mono-pitched roof and

will follow the standard design guidelines of the brand. The usual opening hours of the restaurants are between 9am and 11pm offering a breakfast and lunchtime menu as well as evenings.

- 4.2 The site is within an area zoned for mixed uses mainly comprising general industrial, light industrial and warehousing development but with a content of retail and leisure uses not exceeding 20% of the built development in Policy EMP10 of the Borough-Wide Local Plan. However, although this is a saved policy and is considered to be in general compliance with the National Planning Policy Framework (NPPF), the policy is now out of date and the application needs to be considered against the relevant section of the NPPF and emerging policies of the Draft Core Strategy.
- 4.3 Paragraph 22 of the NPPF says that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose and where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits, etc.
- 4.4 Although shown as a site containing five buildings used for employment purposes on the original outline application for Tesco in 1996 no applications have been submitted for development since then and there has been no demand for employment uses on the site. In considering this application it has to be taken into account that the proposals will generate employment, according to the details submitted with the application, the restaurant will create 30 full time and part time jobs.
- 4.5 Paragraph 24 states that Local Planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 4.6 The application includes a sequential assessment which looks at alternative sites and premises and the conclusion is that there are no suitable alternatives available within the town centre or edge of centre areas. The Strategic Planning Officer has considered the findings of the sequential assessment and is satisfied that there are no other sequentially preferable

sites available and that the proposal is considered appropriate in this location due to insufficient town centre or edge of centre sites.

- 4.7 The only outstanding matter to be resolved with this application is the surface water drainage from the site, in their response the Environment Agency (EA) stated that they will have no objection providing the Internal Drainage Board (IDB) confirms that the proposed run off rates will not increase flood risk elsewhere. If the IDB will not give this assurance the applicant will need to submit an amended Flood Risk Assessment and the EA will need to be reconsulted. This is a technical matter that is capable of being resolved one way or the other and it should be possible to overcome the Environment Agency's concerns regarding the proposal.
- 4.8 In conclusion it is considered that, although the proposal may be considered to not comply with Policy EMP10 of the Borough-Wide Local Plan, it does conform with the aims of the NPPF and emerging policies CS6 and CS7. It is an existing employment site and the proposals will generate employment for people in the local area. The recommendation is to approve subject to the resolution of the drainage issues to the satisfaction of the EA and IDB.

5. RECOMMENDATION :-

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