

Application Number: **06/22/0008/F** - [Click here to see application webpage](#)

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

Site Location Plan: See Appendix 6

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

Applicant: Lidl Great Britain Ltd

Case Officer: Mr Robert Parkinson

Parish & Ward: Great Yarmouth – Southtown & Cobham Ward

Date Valid: 06 January 2022

Expiry / EOT date: 08 August 2023

Committee referral: To conclude the Committee's decision making process as the application was initially considered by the Committee at the discretion of the Head of Planning noting the conflict with policy.

Procedural note 1: This is an update report following consideration of the application at the Development Management Committee of 22nd February 2023. This report should be read in conjunction with the previous report of 22<sup>nd</sup> February 2023 and the addendum Update Report also dated 22<sup>nd</sup> February 2023 which remain part of the consideration of the scheme and which are attached as Appendices to this report.

## **SUMMARY OF RECOMMENDATION:**

**To delegate authority to the Head of Planning to approve and grant permission subject to the agreed section 106 agreement and recommended conditions.**

### **1. Timeline and Reason for Committee Referral**

- 1.1 This application was initially presented to the Development Management Committee on 22nd February 2023; the original Published Committee Report is attached at Appendix 1 to this report.
- 1.2 An Update Report was released prior to the consideration on 22<sup>nd</sup> February 2023 (see Appendix 2). Committee resolved to approve the application subject to the prior completion of a Section 106 Agreement and associated conditions.
- 1.3 The relevant extracts of the Minutes of the 22<sup>nd</sup> February 2023 Committee are attached at Appendix 3 of this report.
- 1.4 Officers and the applicant have since agreed a final draft version of the Section 106 Agreement in accordance with the Committee resolution of 22<sup>nd</sup> February 2023, and

have agreed the terms of most of the conditions required by Committee including the proposed pre-commencement conditions.

- 1.5 However, in doing so it became apparent that the applicant's Noise Impact Assessment report had not been accessible to view through the Council website when originally subject to public consultation and the Committee's consideration. Officers are of the view that the application was consequently incomplete when available for public inspection and the Committee's determination, and as such have re-advertised the application and undertaken a further 21 days formal public consultation between 09 August 2023 and 01 September 2023.
- 1.6 In addition to the Noise Impact Assessment the applicant has also provided further information relating to some of the conditions due to be imposed on any permission granted, including the results of surveying the proposed drainage outflow into the IDB network and liaison with the IDB regarding drainage consent requirements.
- 1.7 The information which has been available to public consultation is as listed below:
  - Noise Impact Assessment ref 8219/FD
  - Confirmation that the proposed surface water drainage outflow point has been agreed with the Internal Drainage Board
  - Applicant's proposed opening hours
  - Applicant's proposed delivery hours
  - Final Draft Section 106 Agreement (see Appendix 4)
  - LPA Officers' proposed planning conditions (see Appendix 5)
- 1.8 In addition, further information has also been supplied and available to consultation; these are documents received originally but which have been updated to account for and reflect the revised site layout plan ref 7723L-20 Rev G which included the proposed attenuation pond and electricity substation (see Appendix 7 to this report). The layout and designs of these were all considered and resolved to be approved by Committee on 22<sup>nd</sup> February 2023, so the updates to documents are points of housekeeping:
  - Tree Protection Plan
  - Landscaping Plan
  - Lighting Plan
  - Flood Risk Assessment
  - Transport Assessment
  - Travel Plan
  - Planning and Retail Statement
- 1.9 Most of the Committee's original resolution has been concluded, but Members are requested to consider the following matters which were not originally available:
  - Opening hours in relation to noise and retail impacts
  - Delivery hours in relation to noise and disturbance
  - Residential amenity mitigations
  - Surface water drainage scheme outfall position
  - Minor adjustments to proposed landscaping scheme
- 1.10 Officers do not consider these to be so fundamental as to require reconsideration of the whole development or section 106 agreement, only the relevant proposed planning conditions.

## 2. Noise Impact Assessment

- 2.1 The Noise Impact Assessment was discussed at section 14 of the February 2023 Committee Report but was not originally made available to public view. To recap, the Noise Impact Assessment had considered the impacts of plant and machinery and, separately, delivery vehicles attending the site. The applicant contends that the results of the noise impact assessment mean there is no requirement to impose a restriction on the delivery or loading hours at the site, which is contrary to Officer's recommendation at proposed Condition 42 which states as drafted:

*"42: No deliveries shall be taken at or dispatched from the site for the purposes of the development the subject of this permission outside the following hours:*

*0730 hours to 2230 hours on Mondays to Saturdays,*

*and,*

*0900 hours to 1800 hours on Sundays and Bank Holidays or Public holidays.*

*The reason for the condition is:-*

*To protect the amenity of neighbouring properties and land uses, and to ensure the possible highways impacts of the development are not focussed on the peak hours of use of the local highways network, and to provide a degree of consistency of approach with the permitted delivery hours of the existing retail store which has been assessed to be replaced by the proposed development so as to control the retail impacts of the development, in accordance with policies CS6, CS7, CS9 and CS16 of the adopted Great Yarmouth Core Strategy (2015), and policies UCS7, R1 and A1 of the Great Yarmouth Local Plan Part 2 (2021), and the principals of the NPPF."*

- 2.2 It is worth reappraising the content of the Noise Impact Assessment and its parameters:

- Background noise readings were taken from a location close to Thamesfield Way where there is a quieter ambient noise level than close to Pasteur Road and the A47.
- The closest residential receptors (noise sensitive uses) are the Gapton Hall Traveller Site some 250m to the south-west and in direct line of site of the proposed foodstore as can be seen in the aerial image provided below (Figure 1 of the Assessment).

- 2.3 Key findings of the Noise Impact Assessment are:

- The background noise levels at night (the quietest time) were recorded as 39dB.
- Plant and machinery attached to the store would not exceed the levels, given the intervening distance to residents, so is considered acceptable.
- However, the delivery vehicles used at other Lidl sites at a distance of 10 metres, were far in excess of this background, peaking as below:
  - HGV Arrival 61dB
  - HGV Unloading 58dB
  - HGV Departing 63dB

[illegible]

- Application Reference: 06/22/0008/F



(i) it is assumed there would be a cumulative impact from the delivery vehicles combined with the traffic which would exceed the existing background noise; and,  
(ii) the fabric and glazing qualities of the caravans/chalets at the Traveller Site are not likely to be of standard construction and therefore have lower noise protection qualities than the dwelling equivalents and therefore it would likely be inaccurate and inappropriate to assume there would be a 15dB reduction from the external noise.

2.9 The Environmental Health Officer has been consulted on the noise impact assessment and has provided the following comments:

*"I have read through the noise impact assessment and agree that the following hours would be most appropriate for delivery at site:*

- 0730 hours to 2230 hours on Mondays to Saturdays,
- 0900 hours to 1800 hours on Sundays and Bank Holidays or Public holidays.

*These hours will ensure deliveries to not stray into 'night time hours' which in acoustic terms are considered to be 11pm to 7am.*

*I think this restriction should suitably protect the nearby residents of the Traveller Site from noise nuisance from deliveries.*

*It is also worth mentioning that the 15dB reduction between external and internal noise levels is a generalised prediction based on the attenuation of a standard building. It is safe to assume that the acoustic properties of the caravans/ campervans present on the Traveller Site do not afford the same noise insulating properties as a conventional static property and therefore exceedances, especially of the night time World Health Organisation target (30dB LAeq (8 hour)/45dB LMax (fast)), may be experienced.*

*I would also recommend that if deliveries do occur late in the evening/ early in the morning, that only broadband reversing alarms are used as these provide directional sound projection which dissipates quickly at distance, therefore reducing noise impact on the surrounding area."*

### **3. Delivery Hours**

3.1 *In light of the Environmental Health Officer's advice, it is recommended that the delivery hours should remain as proposed in Condition 42 (at para 2.1 above). However, the condition should be expanded to include the following:*

*"Where unloading and deliveries must occur between 0730 – 0830 and 2100 – 2230 vehicles shall only reverse using broadband reversing alarms or with other forms of reversing alarms disabled and a banksman employed to provide appropriate safety assessment."*

### **4. Opening hours**

4.1 Opening hours of the store were not expressly proposed in the application. The applicant has agreed to the Officer proposal of Condition 41 which states:

*"41: The development the subject of this permission shall not be made available for use by the public / shall not be open to customers at any time outside the following hours:*

*0800 hours to 2200 hours on Mondays to Saturdays,*

*and,*

*1000 hours to 1700 hours on Sundays and Bank Holidays or Public holidays.*

*The reason for the condition is:-*

*To protect the amenity of neighbouring properties and land uses, and to ensure the retail impacts of the development are consistent with those of the existing retail store which has been assessed to be replaced by the proposed development, in accordance with policies CS6, CS7 and CS9 of the adopted Great Yarmouth Core Strategy (2015), and policies UCS7, R1 and A1 of the Great Yarmouth Local Plan Part 2 (2021)."*

- 4.2 The impacts from trading until 2200 hours has already been assessed within the Retail Impact Assessment which considered opening hours until 2300. However the LPA's assessment of retail impact has been predominantly based on the change of the 'equivalent' practice at the Pasteur Road site and the replacement of one operation with another, albeit with a larger store format. In this respect the Pasteur Road store trades until 2100; it is considered the impact of a change from 2100-2200 is relatively minimal given the particular characteristic of the foodstore trading context and draw on the available spend in the area. The impacts of trading until 2300 has been considered in the Retail Impact Assessment and in practice it is considered that the daily additional hour of trading compared to existing operations is unlikely to significantly affect any other defined local centres in the vicinity and may in practice only affect the Tesco superstore opposite; the Tesco store is not itself in a defined centre and the impact is likely to only be apparent by providing a small element of additional competition to that large superstore which is understood to trade on a 24 hour basis.

## **5. Other updates**

### Proposed Planning Conditions

- 5.1 The applicant has liaised with officers to agree the terms of the proposed planning conditions and in particular the pre-commencement conditions as is expected by national guidance. With the exception of the amendment proposed to Condition 42 the conditions are provided at Appendix 5 of this report. Members are asked to consider the conditions and confirm the use of Conditions 1 - 41 and amended Condition 42.

### Section 106 Agreement

- 5.2 The applicant and Council have agreed the terms of the final draft to the proposed Section 106 Agreement which is provided at Appendix 4 to this report. In broad terms the Agreement will require:
- the existing Lidl store on Pasteur Road to cease trading before the new foodstore begins trading (to minimise retail impacts);
  - the existing store shall not be used as a Class E(a) retailing use (to prevent an increase in cumulative retail impact over and above that of the proposed new foodstore); and
  - the existing store shall only be re-used as a premises in single use and with a single operator (to minimise the impact from various other small businesses relocating to the site when there are other units available in sequentially preferable locations).

- 5.3 Members are asked to consider the terms of the final draft section 106 agreement and confirm the requirement for any permission to be subject to the agreement terms as proposed.

Additional updated information

- 5.4 The following document revisions and their implications are:

- Tree Protection Plan –

Updated to include the proposed attenuation pond and substation. All existing trees will still be suitably protected under this amended plan, to be required by proposed Conditions 29 and 38.

- Landscaping Plan –

Updated to include the proposed attenuation pond and substation which will have no impact on existing trees. Some of the proposed trees have been relocated to ensure there is no reduction in the number of trees proposed (at least 9 no. were required and are still proposed). The landscaping is not considered to differ substantially from that previously accepted. Proposed conditions 28, 29, 30 and 38 shall ensure continued tree protection, appropriate levels of new planting and ongoing landscape maintenance. Landscape Plan 21-108-02 Revision G is provided at Appendix 8 for information.

- Lighting Plan –

Updated to reflect latest Site Layout Plan. No impact on lighting layout or LUX illumination levels. Condition 36 is recommended for use to prevent installation of new lighting without specific details being agreed to include bat protection measures.

- Flood Risk Assessment –

Updated to show the latest Site Layout Plan and the Drainage Strategy agreed with the Internal Drainage Board. No impact on the findings of the FRA report and function of the site's drainage strategy should not be materially affected. Conditions 22, 23 and 24 all ensure the scheme is constructed as expected and as agreed with statutory consultees. Conditions 20 and 21 ensure appropriate flood response measures will remain in place.

- Transport Assessment –

Updated to show the latest Site Layout Plan. No impact on the findings of the report or conditions or works required by the Local Highway Authority.

- Travel Plan –

Updated to show the latest Site Layout Plan. No impact on the findings of the report or conditions or works required by the Local Highway Authority.

- Planning and Retail Statement –

Updated to show the latest Site Layout Plan. No impact on the findings of the report or conditions required to limit operations or manage impacts on defined centres.

- Drainage Strategy –

The applicant has been able to work with the Internal Drainage Board (IDB) to establish the position of the required outfall for surface water discharge from the site's attenuation pond into the IDB drainage network. Their scheme design also ensures the outfall discharges at an appropriate rate to satisfy the pre-existing Lead Local Flood Authority and IDB flow requirements. The drainage consent was granted in June 2023 and proposed planning condition 23 requires that scheme to be followed, with maintenance details to be confirmed under condition 24.

Any additional consultation or public comments

- 5.5 No additional public comments have been received subsequent to the Committee's consideration on 22nd February 2023.
- 5.6 Specific additional public consultation has been undertaken between 09 August and 1<sup>st</sup> September 2023 in response to the new information available. At the time of writing this report, no additional public comments have been received in response to the current consultation period. The Committee will be updated at the meeting if any new representations or comments are received.
- 5.7 Other than those comments of the Environmental Health officer discussed above, and the applicant's liaison with the Internal Drainage Board as reported above, no further comments have been received since 22<sup>nd</sup> February 2023 from Consultees, Parish Councils or Ward Members .

**6. RECOMMENDATION:**

- 6.1 It is recommended that application 06/22/00008/F should be delegated to the Head of Planning to APPROVE, subject to:
- a) **Prior Completion of a Section 106 Agreement in the form as set out in Appendix 4 to restrict future uses of the existing foodstore on Pasteur Road; and,**
  - b) **If the Section 106 Agreement is not completed within three months of the date of this decision, to delegate authority to the Head of Planning (at their discretion) to:**
    - (i) **refer the application back to the Development Management Committee, for re-consideration of the application; or**
    - (ii) **to refuse the application directly, on the grounds of failing to secure planning obligations as outlined within this report (or the Committee's decision if the recommended content is varied); and,**
  - c) **The Proposed Conditions 1 – 41 as set out in Appendix 5 (and any amendments to those conditions as deemed necessary; and,**
  - d) **The following proposed Condition 42 (an amendment to that proposed in Appendix 5):**

*42: No deliveries shall be taken at or dispatched from the site for the purposes of the development the subject of this permission outside the following hours:*

*0730 hours to 2230 hours on Mondays to Saturdays,*

*and,*

*0900 hours to 1800 hours on Sundays and Bank Holidays or Public holidays.*

*Where unloading and deliveries must occur between 0730 – 0830 and 2100 – 2230 vehicles shall only reverse using broadband reversing alarms or with other forms of reversing alarms disabled and a banksman employed to provide appropriate safety assessment.*

*The reason for the condition is:-*

*To protect the amenity of neighbouring properties and land uses, and to ensure the possible highways impacts of the development are not focussed on the peak hours of use of the local highways network, and to provide a degree of consistency of approach with the permitted delivery hours of the existing retail store which has been assessed to be replaced by the proposed development so as to control the retail impacts of the development, in accordance with policies CS6, CS7, CS9 and CS16 of the adopted Great Yarmouth Core Strategy (2015), and policies UCS7, R1 and A1 of the Great Yarmouth Local Plan Part 2 (2021), and the principals of the NPPF.“*

## **7. Appendices**

1. Published Committee Report – 22<sup>nd</sup> February 2023
2. Committee Addendum Update Report – 22<sup>nd</sup> February 2023
3. Extract of Committee Minutes – 22<sup>nd</sup> February 2023
4. Final Draft Section 106 Agreement
5. Proposed Planning Conditions
6. Site Location Plan 7723L-19
7. Site Layout Plan 7723L-20 Rev G considered by Committee on 22<sup>nd</sup> February 2023

## **APPENDIX 1:**

### **PUBLISHED COMMITTEE REPORT – 22<sup>ND</sup> FEBRUARY 2023**

Schedule of Planning Applications

Committee Date: 22<sup>nd</sup> February 2023

**Planning Application Ref:** 06/22/0008/F: [click here to see application](#)  
**Location:** Great Yarmouth – Southtown & Cobham Ward  
**Case Officer:** Robert Parkinson  
**Valid date:** 06/01/22  
**Original Expiry Date:** 07/04/22

**Applicant:** Lidl

**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

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

Site Location Plan: See Appendix 1

Committee referral: At the discretion of the Head of Planning, noting the conflict with policy.

## **REPORT**

### **1. Site Description**

- 1.1 The site, of 1.18 ha, is located to the south-east of Pasteur Road, between the Gapton Hall Roundabout (junction of Pasteur Road A1243 and the A47) and the 'Tesco roundabout' at the junction of Thamesfield Way, Pasteur Road and Jones GC Way which leads into Cobham. The site is bounded by the A47 to the south-west, A1243 Pasteur Road to the north, and Thamesfield Way to the north-east.
- 1.2 The site is part of the employment area now known as the Yarmouth Business Park, which comprises 17.5ha on the eastern side of the A47 opposite the Harfreys Industrial Estate to the south-west.
- 1.3 The site is a former office with curtilage used for industrial storage, for the benefit of use by businesses in the offshore industry sector, most latterly



Parenco. The office / industry use had vacated by 2016 and the empty office site was then converted to use as a further education college (GY Charter Academy: Trafalgar College) from 2016 until 2019.

- 1.4 The existing buildings on the site comprise a red-brick and glazed vacant two-three -storey building last used for education (the former Trafalgar College) and a tall dual-pitched roof warehouse along the Pasteur Road frontage. The site and buildings have been unused for some time.

### **Neighbouring uses**

- 1.5 To the south of the application site is the land used for storage of tanking units by ATI Tank Hire Limited which is currently still operational. Beyond that are other employment / industrial estate uses including the police investigation unit.
- 1.6 To the north-east is an established retail area situated on the north side of Thamesfield Way, where there is a mix of larger comparison retailers such as B&Q, Home Bargains and Argos. On the north side of Pasteur Road, and within 280m walking distance of the application site along Jones GC Way is the Tesco superstore and before that are a restaurant and public house.
- 1.7 Behind the 'Thamesfield Way / Pasteur Retail Park' is the residential area between Stafford Road/Suffolk Road and Southtown Road, along with the East Coast College complex. Some pedestrian / cycle links are available between the residential area and the application site, and there may be future opportunities to create such links if vacant land is developed appropriately.
- 1.8 Gapton Hall Retail Park lies approximately 150m to the west of the application site on the west side of the A47 and the east side of Gapton Hall Road, which includes a mix of convenience and comparison shops and fast food outlets.
- 1.9 The application is submitted by Lidl, a national foodstore retailer. There is an existing Lidl foodstore with car park on the east side of Pasteur Road some 600m to the north within a cluster of large out-of-town warehouse-format retailing uses in the same area along Pasteur Road including B&M Homewares and Matalan, a car showroom and new gym.

### **Site Constraints**

- 1.10 The site is within the defined Development Limits set by Local Plan Part 2 policy GSP1, and within a 'Safeguarded Employment Area' which extends the full length of Thamesfield Way, in conjunction with the land north of Pasteur Road and south of the A47, all designated under and subject to Policy CS6 of the adopted Core Strategy.
- 1.11 The site is located in Flood Zone 3. Pluvial flood risk from 1 in 1000 yr events is plotted as likely to occur on this site but not from 1:100 or 1:30 year events (the reason for flood zone 3 status relates to tidal over-topping of the sea defence to the east).

- 1.12 There are no listed buildings within or in close proximity to the site and the site is not located within or close to a Conservation Area.
- 1.13 There are no protected trees within the site, but there are areas of planting to the Pasteur Road and A47 frontages.

## **2. Proposal**

- 2.1 The proposal is for a single storey publically available retail foodstore shop with associated storage and infrastructure, delivery area and 136-space car park. A New access into the site is proposed from Thamesfield Way.
- 2.2 The applicant currently operates a foodstore from Pasteur Road, to the north of this application site, and has confirmed that they are planning to close their existing store before opening a new store in this location; such a proposal is a fundamental aspect in considering the impacts of this application.
- 2.3 The application site is 11,787 sq m / 1.18 ha in area.
- 2.4 The application proposes 2,342 sqm Gross Internal Area floorspace.
- 2.5 The total retail sales area of the floorspace proposed in this new Thamesfield Way foodstore amounts to 1,411 sq metres of the total GIA, which breaks down as:
- 1,129 sq m (80%) convenience shopping (i.e. food goods); and
  - 282 sq m (20%) for comparison goods (non-food non day-to-day needs).
- 2.6 The remainder of the floorspace is proposed for warehouse storage and delivery (569sqm), and staff / utility space (362sqm).
- 2.7 This Thamesfield Way scheme (2342sqm) is proposed to be almost twice as large as the existing Pasteur Road Lidl store (1374sqm GIA).
- 2.8 The Pasteur Road Lidl store has a Gross Internal Area of 1,374 sq.m, and a net sales area of 1,063 sq m floorspace, comprising:
- 850 sq m convenience shopping; and
  - 213 sq m comparison shopping.
- 2.9 This application may propose an increased floorspace of 901 sq m Gross Internal Area net increase, but in terms of it's potential impact on other centres, the net additional sales area is actually only 348 sq m new floorspace, comprising:
- an increase of 279 sq m for convenience sales; and,
  - an increase of 69 sq m for comparison goods.
- 2.10 The proposed building features a 3-degree mono-pitch roof facing southeast

and is steel framed and insulated metal sheet clad. There is a mezzanine of 67 square metres, this area being for non-retail functions (e.g. staff office), and which also acts as a place of safety during flood events.

- 2.11 Space for 136 car spaces is proposed, including 8 disabled spaces and 9 parent & child spaces. There are 28 EV charge points overall, including 2 disabled spaces with EV charging. 12 cycle spaces (6 stands) are provided outside the glazed frontage.
- 2.12 Solar panels are shown on the roof, no roof lights are provided.
- 2.13 The foodstore is proposed to be situated to the south of the triangular site, to provide a set back from the road. The eastern corner is proposed to be landscaped and to include a drainage attenuation pond.
- 2.14 Ecology proposals for enhancement are included. There is currently some planting to the site boundaries, this is proposed to be enhanced.
- 2.15 Native tree, shrub and hedgerow planting is shown within the scheme design to create a greenspace, particularly along boundary features.
- 2.16 Boundary treatments are proposed to remain open where feasible to allow passage for small mammals including hedgehog.
- 2.17 Accompanying the proposal are the following documents:
  - Planning Application Forms and Certificates of Ownership.
  - Application drawings
  - Travel plan
  - Lighting isolux plan
  - Statement of community involvement
  - Air quality assessment
  - Preliminary Ecology assessment
  - Phase 1 and 2 Geo environmental assessment
  - Design and Access statement
  - Planning and retail statement, including site sequential assessment (based on other available site suitability) and retail impact assessment
  - Flood risk assessment and appendices
  - Landscape Proposals and planting scheme
  - Tree survey and tree protection plans
  - Transport assessment
  - Site marketing details: brochures and summary of interest at April 2022

### **Environmental Impact Assessment screening**

- 2.18 A screening opinion for the above proposal was requested as per Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Officers have determined that an Environmental Impact Assessment is not required (EIA Screening Reference: EIA/TH/2022/1).

- 2.19 In formulating this screening opinion, officers have reviewed the matters related to Schedule 3 of the EIA Regulations, using information in the applicant's submitted screening request letter (received 09 August 2021) as well as screening opinion consultation responses received by the Council by statutory and non-statutory consultees. This justification is provided in full within Appendix 1 to the LPA's Screening Opinion.

### 3. **Relevant Planning History**

- 3.1 The planning history at the site is a material consideration to the determination of this application.

- **06/85/0313/F** - Erection of a pipe yard, warehousing and offices.
  - Approved 1985 (full date unavailable).
- **06/16/0125/F** - Removal of condition 2 and 12 of planning permission 06/85/0313/F to allow the use of the site for Class D1 (education use).
  - Approved 1st June 2016.

Development Committee considered this application on 25/05/16. It was reported that the proposal was to:

- remove the 1985 restrictions which required use as open storage offices, warehouse and ancillary parking; and,
- remove the 1985 restriction which prevented the offices being used separately from the open storage; and,
- remove the 1985 restrictions which required the site to be used only in connection with offshore related activities.

The proposal would therefore have allowed the site to be used in smaller parts, and for non-offshore industry. In particular the application was an exercise in removing the prevailing restrictions to allow the site to be used as a school for a temporary period of a year under permitted development rights.

The decision notice issued did not include any conditions or restrictions.

- **1<sup>st</sup> August 2016 – 31<sup>st</sup> July 2018:** Use of the site as a school / college under permitted development rights.

Under permitted development, the planning use would officially revert to that use previously in place, unless an alternative formal permission is granted beforehand.

The original permitted development rights released in 2015 allowed use as a non-local authority school for 1 year only (academic year 2016-17), but that was amended in April 2016 to allow use for two academic years to August 2018.

- **06/17/0235/CU** - Change of use of office and premises from Class B1 to Class D1 Education for temporary period expiring September 2019.
  - Approved 27th October 2017.

This permission was granted under delegated authority. The Officer's report recognised the objection of the Economic Development Unit to the loss of employment land, but stated that:

*"...the school can operate from the existing building for two academic years as permitted development so it would be difficult to justify refusing the proposed additional year on the grounds of loss of an employment site especially as the school is already in operation.*

*Taking the above into account there is no objection to temporary planning permission being granted for an additional year beyond the period allowed as permitted development."*

Effectively, due to the permitted development rights, this allowed use as a school / college between 1<sup>st</sup> August 2018 and 01<sup>st</sup> September 2019.

As a temporary permission the site's planning use would revert to the former permanent use upon the expiry of the temporary permission.

The planning application documents stated there was an intention to use the existing site temporarily as a school before redeveloping the site over the longer term by building a new school. However, the school use ended in 2019 and the site has not been reused in its entirety since.

- **06/18/0178/F** - Variation of condition 2 re: PP:06/17/0235/CU - Time limit change from 3 months to 9 months to submit detailed scheme for off-site highway improvement works.
  - Approved 26th April 2018.
- **06/19/0316/CU** - Change of use of part of carpark to vehicle sales.
  - Refused 28th August 2019.
- **06/19/0539/CU** - Change of use of part of car park to vehicle sales (temporary permission).
  - Approved 1st June 2020.
  - Number of cars able to be displayed was limited to 22 at any time.
  - Temporary permission granted to May 2022 only.

As a temporary permission the site's planning use would revert to the former permanent use upon the expiry of the temporary permission.

#### 4. **Consultations**

- 4.1 The proposal is a major development and represents a departure from the adopted local development plan by virtue of being an out-of-centre retail use proposed within a safeguarded employment area, so has been subject to public consultation with site notices and by press advert for both reasons.
- 4.2 Unfortunately it was only recently noticed that the development was not originally advertised as a departure from policy, and the subsequent consultation period does not end until 10<sup>th</sup> March 2023. Any responses received will be reported to the Committee meeting, and it is recommended that any decision to approve the application is subject to there being no adverse comments received, relevant to the principle of development, before 11<sup>th</sup> March; should any arise, which is considered unlikely given minimal responses received to date, a decision would not be issued and the application would be reported back to Committee.

### **Public comments**

- 4.3 At the time of writing, 2no. comments have been received in support, and 3no. comments to object.

### **SUPPORT**

- The Lidl store in Lowestoft is smart and this will be a great improvement.
- The store will provide more jobs to the area.

Officer comment:

- New employment creation has material weight in the assessment.
- The development also makes use of a brownfield site.

### **OBJECTIONS**

- The store will be less accessible on foot, limiting customers' ability to do a big shop.
- It will also affect access for those less mobile, and be less inclusive to all.

Officer comment:

- Access difficulties and accessibility in respect of proximity and links to communities has material weight in the assessment, most relevant to Policy R1(d) and as a contributing to the Retail Impact Assessment process. – See Sections 10 - 12.

An objection from Tesco Stores Ltd has been received, citing concerns over:

- The impact on health of local centres and status of health of existing centres
- Limited retail capacity available in the Borough
- Policies have not identified new retail floorspace provision requirements
- The retail impact assessment threshold is 200sqm for a reason which is not reflected by the nature of the RIA
- The RIA has not ruled out harm to the town centre and is misleading



- The retail quantum could present a threat to future town centre investment
- Pedestrian access is insufficient / links are unavailable
- It is an unsuitable site for a retail use
- The retail sequential test is incomplete
- Marketing for alternative uses at the site has been inadequate for CS6
- A mechanism is needed to secure closure of the existing store.

### Ward Councillors

- 4.4 Cllr. Waters-Bunn - No comments received.  
Cllr. Cordiner-Achenbach - No comments received.

### 4.5 EXTERNAL CONSULTEES

Norfolk County Council – Local Highways Authority		Approve with conditions, following negotiation
Initial objections to the parking quota, access design, pedestrian refuge, provision of EV charging and cycle parking access routes has since been addressed. The development will need to be subject to final agreement of in-highways works through section 278 processes and appropriate conditions.		
<b>Officer comment / response:</b>	The travel plan should be conditioned as the end user continues to have control and so updates would be captured. Other conditions as suggested.	
Any relevant Condition or Informative note?	Travel Plan to be implemented and used. Various conditions required to secure the access details. Conditions will be proposed to the Committee ahead of the meeting.	

Environment Agency		No objection subject to conditions
Initial concerns over the Flood Risk Assessment and proposed flood response plan have been addressed. The council must ensure the sequential test is followed. Drainage schemes will need to be provided to satisfy local lead flood authorities.		
<b>Officer comment / response:</b>	The revised FRA document and Flood Response Plan are appropriate and accepted by consultees, and can be required to be followed, including the use of flood resilience measures.	
Any relevant Condition or Informative note?	Provision of resilience measures and Flood Warning plan to be followed by condition. Conditions will be proposed to the Committee ahead of the meeting.	

<b>Norfolk County Council – Lead Local Flood Authority</b>	<b>Initial objections removed</b>
The application's flood risk assessment is adequate having been revised successively to address the LLFA concerns. Extensive comments are available on the public website, which conclude with the LLFA being satisfied that the scheme will provide appropriate drainage.	
<b>Officer comment / response:</b>	Any permission shall need to be subject to the final agreed scheme.
Any relevant Condition or Informative note?	Conditions will be proposed to the Committee ahead of the meeting.

<b>Internal Drainage Board:</b>	<b>No objection</b>
<p>The scheme's FRA and drainage scheme propose that two outfalls are proposed into the riparian watercourse. Both outfalls will be restricted to 1 l/s, this is slightly above the greenfield runoff rate of 1.6 l/s, however I note that it is not possible to reduce the hydrobrakes any lower than this. This proposal requires consent from the Board under Byelaw 3.</p> <p>The presence of culverts linking the existing watercourses requires a survey to be completed. It is currently unclear how the watercourses connect to the wider network and we would need to see confirmation of the connection before we could consider approving an application for consent.</p> <p>We cannot provide an agreement in principle without an application for consent, therefore we recommend the applicant applies as soon as possible to gain confidence that the currently proposed drainage scheme is acceptable to the Board as well as the planning authority.</p>	
<b>Officer comment / response:</b>	The drainage scheme addresses the necessary requirements as much as possible in the context of the site's constraints.
Any relevant Condition or Informative note?	<p>Conditions: -</p> <ul style="list-style-type: none"> <li>• Investigate the drainage outflow routes and links to existing watercourses.</li> <li>• develop the drainage scheme as proposed.</li> </ul> <p>Informative Note - Separate land drainage consent might be needed.</p>

<b>Norfolk Constabulary – Designing Out Crime Team (summarised)</b>	<b>No objections - but advice provided to help scheme meet “secured by design”</b>
<p>The following advice is proposed:</p> <ul style="list-style-type: none"> <li>• A brick pillar style entrance will create a "symbolic barrier" and "Defensible space.</li> <li>• The proposal should provide a design that has clear lines of sight for Natural Surveillance. The use of mirrored film/glazing at receptions/offices can create the impression that all activity is being observed and has a direct impact on behaviour.</li> <li>• The provision for car parking is shown as being adjacent to buildings with active windows overlooking and has appropriate levels of Natural Surveillance.</li> <li>• The securing of cycles left unattended must be considered, cycle stands provided must facilitate the locking of both wheels and the crossbar.</li> <li>• The building's reception entrance and car park should be clearly signposted from the entrances onto the site.</li> <li>• The landscaping plan needs to provide all specified shrubs and hedges that have a maximum growth height of one metre, whilst all trees should be "up pruned" to a minimum height of two metres to maintain a clear field of vision around the site.</li> <li>• A lighting plan to cover all vulnerable areas should be in place and coordinated with a CCTV installation.</li> </ul>	
<b>Officer comment / response:</b>	Most measures can be included by planning condition, but the overall advice is welcomed. It is not considered necessary for amendments to the site entrance in the form of brick pillars.
Any relevant Condition or Informative note?	Conditions will be proposed to the Committee ahead of the meeting.

<b>Norfolk Fire Service</b>	<b>No objections</b>
<p>The proposal must meet the necessary requirements of the current Building Regulations 2010 Approved Document B (volume 1, 2019 edition) as administered by the Building Control Authority. Particularly for water supplies and access for the Fire and Rescue Service.</p>	
<b>Officer comment / response:</b>	No comments.
Any relevant Condition or Informative note?	None required - their concerns are addressed by Building Regulations.

#### 4.6 INTERNAL CONSULTTEES

<b>GYBC Tree Officer:</b>	<b>No objection subject to conditions</b>
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<p>There are no replacement trees being planted as part of the landscaping plan only Shrubs and Grasses. Some tree planting should be secured to offset this tree loss as part of the land scaping plans. Upon the grassed area to the west of the site is suggested.</p> <p>UK Native species should be used; preferably similar species found within G28 and G43 upon the Tree Survey to replicate the trees within the vicinity to the site. (Alder, Oak, Maple, Field Maple, Birch).</p> <p>Further information on off-site planting –</p> <p>The northern site boundary shrub species selection (Laurel, Cotoneaster, viburnum etc) can all establish in the tough conditions at the roadside and also ‘grow up’ to suitable heights to provide a good/wide/thick/deep screen (in addition to the ‘external’ vegetation along the other side of the site boundary).</p> <p>The tree species selection will also establish in this location (west of the proposed building) and when mature will provide a good green resource.</p>	
<b>Officer comment / response:</b>	Tree planting should be provided to add height and structure to the site’s landscaping scheme and visual amenity.
Any relevant Condition or Informative note?	Conditions will be proposed to the Committee ahead of the meeting, including: Landscaping and planning plans to be agreed Landscaping schedule Replacement tree planting

<b>GYBC Emergency Planning Resilience Officer:</b>	<b>No objections</b>
I have reviewed the Flood Risk Assessment and Flood Response Plan and am happy that the plan supports the safety of the occupants.	
<b>Officer comment / response:</b>	n/a
Any relevant Condition or Informative note?	Conditions should require compliance with the Flood Risk Assessment and Response Plan.

<b>Environmental Health Officer</b>	<b>No objection subject to conditions</b>
Contamination investigations are required, given the ground conditions, but the use is not unacceptable in principle. The contaminated land assessment proposes “further steps” are needed to further define the thickness and type of hardstanding areas and	

check for any hydrocarbon leeching in the soil both under and alongside the hardstanding areas. A Foundations Works Risk Assessment should be completed to inform future piling and ground works, and to establish any associated monitoring requirements. Other requirements include Material Management Plans and Ground Gas surveys and mitigation.

<b>Officer comment / response:</b>	A range of conditions are proposed alongside informative notes. This are considered reasonable and achievable for inclusion in any permission.
Any relevant Condition or Informative note?	Conditions will be proposed to the Committee ahead of the meeting, including: Contamination investigations Further mitigation plans Risk assessment Foundations risk assessment Material management plan Ground gas monitoring

- 4.7 Comments from Strategic Planning Officers are included throughout the body of this report.

## 5. **Relevant Planning Policies**

The following policies are relevant:

### Great Yarmouth Core Strategy (adopted 2015)

Policy CS1: Focusing on a sustainable future  
 Policy CS2: Achieving sustainable growth  
 Policy CS6: Supporting the local economy  
 Policy CS7: Strengthening our centres  
 Policy CS8: Promoting tourism, leisure and culture  
 Policy CS9: Encouraging well-designed, distinctive places  
 Policy CS11: Enhancing the natural environment  
 Policy CS13: Protecting areas at risk of flooding and coastal change  
 Policy CS16: Improving accessibility and transport

### Great Yarmouth Local Plan Part 2 (adopted 2021)

Policy GSP8: Planning obligations  
 Policy UCS7: Amendments to CS7 – Strengthening our centres  
 Policy A1: Amenity  
 Policy R1: Location of retail development  
 Policy E1: Flood risk  
 Policy E4: Trees and landscape  
 Policy E6: Pollution and hazards in development  
 Policy I1: Vehicle parking for developments  
 Policy I3: Foul drainage

## National Planning Policy Framework (July 2021)

Section 4: Decision Making

Section 6: Building a strong, competitive economy

Section 7: Ensuring the vitality of town centres

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

## **6. ASSESSMENT**

### **6.1 Main Issues**

The main issues relevant to the determination of this application are:

1. Principle of Development – employment land policy
2. Principle – use of designated employment land
3. Material consideration – Future proposals for the employment land area
4. Material consideration – The site's existing planning status
5. Principle – Suitability of the proposed location for retail foodstore use
6. Principle – Retail foodstore impacts and use of the existing Lidl store
7. Highways safety, parking and network impacts
8. Flood risk and drainage
9. Design, landscaping and ecology
10. Other material considerations (e.g. jobs creation)

Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) states:  
*In dealing with an application for planning permission the authority shall have regard to–*

- (a) the provisions of the development plan, so far as material to the application,*
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,*
- (b) any local finance considerations, so far as material to the application, and*
- (c) any other material considerations.*

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.



## **Principle of Development : Employment land policy**

6.2 Policy CS6: Supporting the local economy, has defined particular areas around the Borough which are designated as 'Safeguarded Employment Areas', including this site as part of the wider Yarmouth Business Park covering land north and south of Thamesfield Way.

6.3 Policy CS6 states that employment and business growth will be promoted by:

*"a) Encouraging the redevelopment and intensification of existing employment sites, particularly those sites with good access by a variety of transport modes."*

6.4 In the Core Strategy (2015) the Council therefore designated 305.67 ha as Safeguarded Employment Areas; those designations were made based on evidence from a 2012 Employment Land Study.

6.5 The Core Strategy recognises the safeguarded employment land designation will be tested over the lifetime of the Core Strategy, and states (at supporting text paragraph 4.6.6) –

*"Making better use of these areas and encouraging redevelopment and intensification of employment uses when suitable sites become available will ensure that new and existing businesses continue to thrive in these locations.*

*It is recognised that at certain points in the plan period, proposals for non-employment uses will arise within existing local employment areas.*

*A policy on the re-designation of land and buildings within local employment areas will be developed as part of the Development Control and Site Allocations Local Plan Document, enabling the borough to respond quickly to changes in the economic climate, having regard to the market and economic need."*

6.6 Core Strategy policy CS6 therefore sets out a process for applications to justify any such loss of employment uses / introduction of alternative uses in safeguarded employment areas, at part CS6(b), which states:

*"To ensure that the conditions are right for new and existing businesses to thrive and grow, there is a need to continue to strengthen the local economy and make it less seasonally dependent. This will be achieved by:*

*...[part (a) and]...*

*b) Safeguarding existing local employment areas identified in Table 10 and future local employment areas allocated in other Local Plan Documents for employment use. Alternative uses will only be allowed where it can be demonstrated that:*

- *There is a satisfactory relationship between the proposed use and any pre-existing neighbouring uses, without significant detriment to the continuation and amenity of existing or proposed uses*
- *There is no commercial interest in the re-use of the site for employment, demonstrated by suitable marketing at an appropriate price for at least 18 months*
- *A sequential viability test has been applied following the unsuccessful marketing of the site, based on the following sequence of testing: mixed use of the site that incorporates an employment-generating use, then non-employment use”*

6.7 In respect of the review of policy CS6, there were no revisions or amendments in the Local Plan Part 2 (2021), but officers have begun the process of reviewing the quantum and quality of employment land proposed for non-employment uses, in preparation for future Local Plan Part 1 policies. This is discussed separately below.

6.8 The impacts this application has on employment land is considered against:

- Requirements of policy CS6
- Future trends for employment land in the Borough
- The existing and future use of the Yarmouth Business Park employment area
- The site’s existing permission and its planning use

## **7. Use of designated ‘Safeguarded Employment Land’**

7.1 Notwithstanding the emerging evidence (discussed in section 8 below), the site is currently within a safeguarded employment land area. The proposed use therefore arguably represents a departure from policy CS6, or at least the principles or ambitions of policy CS6(b), which states:

*“Alternative uses will only be allowed where it can be demonstrated that:*

- There is a satisfactory relationship between the proposed use and any pre-existing neighbouring uses, without significant detriment to the continuation and amenity of existing or proposed uses*
- There is no commercial interest in the re-use of the site for employment, demonstrated by suitable marketing at an appropriate price for at least 18 months*
- A sequential viability test has been applied following the unsuccessful marketing of the site, based on the following sequence of testing: mixed use of the site that incorporates an employment-generating use, then non-employment use.”*

7.2 The policy’s intent is that criteria (i) must be satisfied in all cases, then criteria (ii) to demonstrate whether employment uses are likely to come forward at the site; and then criteria (iii) to demonstrate whether the site could viably host

employment uses in some form, before considering or relying on non-employment uses.

- 7.3 The surrounding uses and distance to adjoining neighbours means that the proposed foodstore would not cause a detrimental effect on existing neighbouring uses. Criteria (i) is considered to be satisfied.

#### **Site marketing and viability –**

- 7.4 In respect of criteria (ii), a marketing exercise was completed to illustrate the attempts to promote beneficial use of this land. The Marketing Summary document does demonstrate at least 18 months prior marketing, and confirms that the site was seeking valuations at a price that was considered in line with the Council's own suggested benchmark value.
- 7.5 Two periods of marketing were undertaken – initially prior to August 2021 when the application site and the adjoining ATI Tank Hire site were marketed as one entity. When ATI Tank Hire purchased their portion of the site in August 2021 the current application site was marketed as a separate entity.
- 7.6 The document as initially presented was confusing in the way it identified area quanta and which land was involved in offers received for the site when compared against a benchmark land valuation figure for employment uses in this location.
- 7.7 An improved tabulated version supplied shows that no offer for an appropriate employment-based use met the benchmark valuation. Whilst some offers for the site were higher than the benchmark valuation, all were for non-conforming non-employment uses.
- 7.8 Only one offer proposed a suitable valuation which would provide employment-use development, but that was for the adjoining land, and that land is of course not within the site of this application.
- 7.9 In respect of criteria (iii), it is accepted that the feasibility of alternative / hybrid uses was considered through the marketing process. One offer proposal was to combine retail on this application site and employment uses on the adjoining ATI Tank Hire Site, but that would be no different from the existing application and continuation of the adjoining use.
- 7.10 As such it is accepted that for the 18 months marketing period, no offers were received for just the application site, and this demonstrated the site to be unfeasible as an employment site. The reasons for this might be that the need to redevelop the site (ie remove the offices) could have deterred investment for more 'traditional' employment and manufacturing as it would represent a significant outlay for non-office users, whilst the existing offices are probably considered dated in comparison to new office space found relatively locally, or which could be provided on a vacant site such as Beacon Park.

- 7.11 Overall, criteria (ii) and (iii) are considered to have been addressed. It is accepted that the site has been available and marketed in varying degrees since the last employment use was due to leave the site, which led to the school's interest, and the information within the application has shown subsequent marketing since the school use ended. The marketing reports have shown varying results which are accepted as demonstrating no realistic prospects of development for employment use at this site in the current climate, and the only feasible alternative with some form of 'employment use' included was to create a situation akin to what is currently under consideration.

## **8. Future employment land protection**

### **Borough-wide requirements**

- 8.1 The LPA now has up-to-date and relevant emerging evidence relating to employment land uses and future requirements. This is being used to inform the future Local Plan Part 1 (the Core Strategy's eventual replacement), and is a material consideration as part of policy evidence base.
- 8.2 This is the Employment Land Needs Assessment [ELNA] (December 2022), available at: [https://www.great-yarmouth.gov.uk/article/8000/Housing-and-economic-evidence#\\_content](https://www.great-yarmouth.gov.uk/article/8000/Housing-and-economic-evidence#_content) )
- 8.3 The ELNA is suggesting the Borough will need additional employment land in the period 2021 – 2041 to facilitate the predicted jobs growth, which will amount to:
- at least 6.00ha of newly-allocated land being required for employment uses;
  - in building terms – at least 24,017sqm new floorspace.
- 8.4 The report also finds that 73% of the Borough's existing employment areas are in employment use, but 15% is not.
- 8.5 The ELNA finds that 11% of the Borough's designated employment land areas is vacant but considered developable for employment uses.

### **Viability & vitality of the Yarmouth Business Park employment land**

- 8.6 The ELNA does include an up-to-date assessment of the 'health' of the existing Yarmouth Business Park (employment land area EL05 in the Employment Land Needs Assessment).
- 8.7 It finds there are 29 individual units in the business park which offers 21,549sqm overall:
- 15 units are in employment use, comprising 10,601 sqm, or 49% of the overall floorspace.
  - 12 units are in active but non-employment use, comprising 8,792sqm (41% of the available floorspace).
  - 2 units are vacant (10%) (including the application site), comprising

2,156 sqm.

- 1.5ha of land is currently undeveloped but potentially suitable for employment use.

- 8.8 Of the 1.5ha undeveloped land, the majority could be taken up through the recently-submitted application ref: 06/22/0907/F, if approved, at Land at Thamesfield Way, for: *“Proposed construction of a mixed use commercial building comprising office (Class E) and storage & distribution (Class B8) uses; associated landscaping, new perimeter fencing; new accesses to Thamesfield Way and car parking area; removal of existing tank from site”* (valid 23/01/23; decision expected by 20/03/23).
- 8.9 With just 7% of existing units vacant, this suggests the site is successful as a destination for new business growth, even if the non-employment ratio is high.
- 8.10 However, at the Yarmouth Business Centre the ELNA suggests the high proportion of non-employment uses, and the 10% floorspace vacancy, and the large areas being used for external storage, all combine to make this area less feasible for new employment land creation.
- 8.11 In this respect, the ELNA actually concludes that the Yarmouth Business Park should not continue to be protected as a safeguarded employment land area, stating:

*“There is no clear pattern to the mixture of uses within the existing area which makes redefining the area to protect employment uses impractical. Given the high level of alternative uses which have accumulated on the site, and the relatively limited remaining undeveloped space, together with other employment sites in close proximity, it is not justified to continue to protect the site for solely employment uses.”*

This is perhaps unsurprising given the nature of adjoining uses and recent development in the area and the concentration of employment uses towards other neighbouring employment land sites.

- 8.12 As a planning document, the ELNA has no status as a part of the current development plan, but its timeliness and its use as part of the evidence base for the new local plan production means it attracts some, but very limited, weight in the decision making process.
- 8.13 Nevertheless, some regard must be had to the fact that the existing safeguarded employment land designation is dated (being based on evidence from 2012 and adopted as a policy in 2015) and, furthermore, that the ELNA suggests the direction of travel of a replacement policy would not look to protect this site for future employment-specific uses.

## **9. The site's existing permission and its planning use**

- 9.1 The site's Planning History is a material consideration to the principle of development in this location and its assessment of the impacts on employment land supply.
- 9.2 Although the site's formal planning status has previously been changed to temporary school use, it since reverted to its former use and is no longer restricted to just be used only in connection with offshore related activity, because planning permission was granted by way of a S73 (variation of condition) application (ref. 06/16/0125/F) to allow for "*Removal of condition 2 and 12 of planning permission 06/85/0313/F to allow the use of the site for Class D1 (education use)*". Section 73 applications are not allowed to change the proposal of the original permission and the intent of the proposal was clear, reinforced by the committee report and minutes of the decision maker, so it is accepted that the intent of the variation of condition was solely to remove the expressly-stated use restriction in the 1985 permission to then allow the temporary permitted development right as a school to take effect (which was then expressly extended).
- 9.3 Permission 06/19/0539/CU for car sales on part of the site curtilage was a temporary permission only, until May 2022, and the expiry of that permission also reverts the site's status back to its former use established by either express permission, long-term established use, or permitted development rights without time restriction.
- 9.4 Policies in the current Core Strategy seek to protect employment land as well as existing employment uses from being changed to 'non-employment'. Therefore, the policy will seek to safeguard land within these employment areas for employment use if the existing unit/land has an employment use, a non-employment use or no use. This would suggest where a development is proposed or a redevelopment is proposed within the employment area, employment use should be considered first.
- 9.5 Notwithstanding these principles, the site has not been in 'traditional' employment use for some years and has stood vacant for many. There is some weight to the fact that the site has not provided 'employment use' jobs for a significant period of time. Whether or not there is potential to do so in the future is to be borne out by the results of marketing and viability processes discussed above.
- 9.6 Given the planning history, it is not considered reasonable to refuse the application solely because it is not proposing a 'traditional employment' use within the use classes B2, B8 or E(office) class groups. Policy CS6 does strongly encourage the location of new employment uses towards safeguarded employment areas, and does strongly resist the loss of designated employment use land, but the feasibility of the use and its former recent contributions to the economy are material considerations in the determination of this application.
- 9.7 Instead, officers note the provisions in Policy CS6(a) which states its intention as "*Encouraging the redevelopment and intensification of existing employment sites*". Whilst the active use would be non-employment, the development will



intensify the use of the employment area and provide valued jobs rather than remain vacant, and the net area of active employment land is not detrimentally effected by the proposal.

- 9.8 It should be noted that the primary purpose of CS6 is as set out below –

*“The Borough of Great Yarmouth has a diverse local economy. It is the main service base in England for the offshore energy industry and has a thriving seasonal visitor economy. To ensure that the conditions are right for new and existing businesses to thrive and grow, there is a need to continue to strengthen the local economy and make it less seasonally dependent. This will be achieved by:...(criteria a-m)”*

The policy states a number of ways in which its aim can be achieved. One of which is criteria:

*“(g) Supporting the local visitor and retail economies in accordance with Policies CS7 and CS8”*

- 9.9 It is reasonable to assert that the current application does go towards the primary aim of the policy in that it is for a retail use which minimizes impacts and satisfies policy R7 and which creates jobs.
- 9.10 Nevertheless, that is not to say the new foodstore use is automatically to be accepted in this location because it must still be subject to retail-location policies discussed below, but the site’s current status is nonetheless a material planning consideration.

## **10. Principle - Suitability of the proposed location for retail foodstore use**

### **Policy background**

- 10.1 Policy CS7 (f) policy (f) requires that other potential sites closer to the town centre are considered for their sequential appropriateness and that the site is accessible by sustainable transport.
- 10.2 The policy also requires that in certain circumstances a Retail Impact Assessment (RIA) shall be prepared to examine any possible significant adverse impacts to the established town centre and any other designated district or local centres; the criteria for an RIA being required is when a development proposes 200+ square metres net additional retail floor space. Compared to the NPPF’s indicative threshold of 2,500sqm gross (unless required otherwise through local policy), this much lower threshold reflects the current fragility of Great Yarmouth’s town centre, which is being squeezed by the increasing appeal of Norwich as a retail destination, the movement of many high street ‘fashion’ stores to out- of-centre locations and the ‘ring’ of large food stores outside of the town, which are impeding the flow of retail expenditure into the town.

- 10.3 In reflecting the impact from, and recent growth of, new foodstore retailing, the Local Plan Part 2 actually deleted parts of policy CS7 to remove the reference to identifying new foodstore floorspace locations, having included specific requirements in new district centre allocations at Caister and Bradwell, for example.
- 10.4 In creating the Local Plan Part 2, the background retail capacity refresh study determined that there was no need for any new retail (food or non-food) floorspace to be allocated over the short (to 2025) and medium (to 2030) term. There was little or no further need in the long (to 2040) term, however this lies beyond the current period of the Core Strategy and LPP2 plans and will be considered again as part of any new retail needs assessment through the next review of the Local Plan.
- 10.5 As such, the most recent evidence available since the adoption of the Core Strategy showed 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 have specifically identified or allocated sites for new retail-led development, hence deleting the previous retail requirement provided in Policy CS7b). Where market interest and demand does arise for new retail development, this will ordinarily be supported in the town, district and local centres in accordance with the plan's retail hierarchy in Policies CS7 (as amended), CS17, R1, R5 and where land is allocated to create a new or expanded district/local centres.

#### **Location / Sequential test requirements**

- 10.6 With the policy basis clear that new retail, and food retail in particular, is not required in the Borough except in pre-determined locations, the development is contrary to the local plan by being 'out of centre'. The application must therefore demonstrate: (i) that there are no preferable alternative locations available which could be utilised to better effect in terms of sustainability and access: the sequential test; and, (ii) that the additional floorspace created will not have a harmful impact on existing defined district or local centres: the retail impact assessment.
- 10.7 Policy R1 sets out the approach to be taken for sequential test assessments for retail and other town-centre uses. It states:

*"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 Policy UCS7) will be permitted on edge of centre sites.*

- *For retail development in Great Yarmouth, edge of centre sites should be within 300 metres of the Primary Shopping Area.*
- *For the development of other main town centre uses in Great Yarmouth, edge of centre sites should be within 300 metres of the Town Centre Boundary.*

*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 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.”*

10.8 The applicant's sequential test has examined alternative locations based on certain criteria which are for the most part agreed with, as below:

- i. Available sites with an area between 0.6ha (1.5 acres) and 1.6ha (4 acres) with the potential to house a foodstore unit measuring between 1,672 sqm to 2,461 sqm (18,000 - 26,500 sqft);
- ii. Existing vacant units with a floorspace measuring at least 90% of the size of that proposed;
- iii. A site that can allow for the safe manoeuvring of customer vehicles;
- iv. A prominent site with the ability to attract passing trade;
- v. A site that is able to offer adjacent surface level car parking, so that customers can easily transfer goods to their vehicles;
- vi. A site that can accommodate a dedicated service area to the rear of the store and associated HGV's deliveries and manoeuvres; and
- vii. A single storey, open and unrestricted sales floor area which benefits from a generally level/flat topography, or which has the ability to be developed as such.

10.9 These criteria are broadly in line with the expectations of the NPPF and guidelines in the NPP though Officers would take exception to the applicant's criteria iv, vi and vii.

10.10 The prominence of the site and attraction to passing trade is not accepted as a requirement for a store which is promoted to serve local needs and therefore become known to the community it seeks to be accessible to. Whilst foodstores will be able to attract passing trade and fulfil 'linked trips', the role should be to serve existing trips or reduce longer less convenient trips made elsewhere, and their site's prominence should not be so important that it displaces trade from existing local centres.

10.11 The store's design need not be restricted to surface-level delivery and sales, as is experienced elsewhere where sites can include below-ground servicing or upper-level or multi-level sales; these are considered operator-led preferences

and likely a viability concern, but on a constrained small site size as this it is necessary to accept that deviation from a standard model may be unfeasible.

- 10.12 Nevertheless, available sites of the necessary size are in short supply. Within the defined town centre, the old Palmers department store is agreed to be unsuitable for the proposed form of operation, where the upper floors would be difficult to make use of and deliveries would be difficult.
- 10.13 Two other sites were considered as more preferable edge-of-centre locations closer than the application site. Vacant land at Lime Kiln Walk / North Quay was suggested by the applicant to be inappropriate because of needing vehicular access off the North Quay and because the site lacked prominence. It is considered this argument is tenuous, in that while it would be behind other buildings, the location of a deep discounter is soon known by the local customer base and most clients would be expected to be local. Furthermore, the highway here features an extra lane so right-hand turn lanes could be provided.
- 10.14 Vacant land east of Bunns Lane, Southtown, was also considered but the site is both within the wider 'Waterfront Area' and is protected for employment linked to the offshore energy sector, which policy CS17 requires until at least 2025.
- 10.15 Although policy CS17 earmarks both these sites within the area for a 1000-dwelling residential-led development as part of the wider 'Waterfront Area', it would be expected to provide up to 14,200sqm new retail floorspace. However, the policy does set out a requirement for this area to be planned through additional supplementary planning documents to establish the most optimal mix of uses and their locations. Whilst an application could be required to demonstrate an appreciation of wider ambitions, it is nevertheless considered rather premature if not unreasonable to suggest the development provide a foodstore in isolation from any parts of the wider regeneration scheme in the absence of any evidence base or emerging additional development plan documents.
- 10.16 Insisting on a foodstore's location in the Waterfront Area at this stage could hinder the regeneration of that site or compromise its optimal design; the more important consideration is to ensure the proposed development in this application will not prevent the retail element of the Waterfront Area being delivered by policy allocation. In this respect, moving the existing retail offer further away from the town centre will make any prospective retail opportunity more attractive on the Waterfront Area on the basis of being closer to future communities and a more accessible location than this new competitor store in its proposed out-of-centre location.
- 10.17 This application site is 1km outside the designated town centre and no closer other sites are considered available that are not otherwise earmarked for other uses. As such, as there are no more preferable sites available in closer proximity to the defined town centre, the location is considered acceptable for the development if it can address criteria (a) – (d) of policy R7, and the retail impact assessment requirement within policy CS7.

## **Policy R7 (a) - (d)**

- 10.18 Criteria (a) and (b) concern the site's accessibility. The site is located approximately 1.05km south-west of the Great Yarmouth Town Centre via Pasteur Road, the boundary of which is Hall Quay on the north side of the river, as identified on the proposal map in the Local Plan Part 2 (policy USC7).
- 10.19 Relatively speaking the site is close, within 5 minutes drive of the town centre, and accessible, being on national cycle route 517 and linked by cycleways on Pasteur Road to the town centre and the nearby retail sites. The nearest bus stops are 700m away on Anson Road / Southtown Road which is further than the recommended 400m but that could change in time following the third river crossing adjoining Thamesfield Way.
- 10.20 There are dwellings within 250m of the site though these are behind the screening bulk of the large B & Q store to the east. To the southwest the Traveller's caravan site is 250m away, within line of sight of this site on the far side of the A47 bypass road. The site is therefore considered well placed to serve a residential community which would otherwise have to cross the dual carriageway Pasteur Road to access the Tesco superstore.
- 10.21 Policy R7(c) concerns the potential retail impact assessment discussed below, and R7(d) concerns traffic, parking and amenity which is not considered problematic to neighbouring uses provided that the parking levels do not exceed County standards and the access position does not compromise safe and free flow of traffic.

## **11 Principle – Retail foodstore impacts**

- 11.1 Fundamental to the possible impacts of the development is the intended future use of the existing Lidl foodstore on Pasteur Road. If the existing store were able to continue to trade as a foodstore, whether by the same or a different operator, the impacts on nearby defined centres would be markedly different and potentially much more severe.
- 11.2 In acknowledging this, the applicant has confirmed that this is a replacement foodstore to be used only when the existing is closed. To that end, the applicant has agreed to enter into planning obligations which require closure and cessation of the existing foodstore retail use of the Lidl on Pastur Road. Doing so means the associated retail impact assessment can be more focussed in its coverage and in-depth analysis.
- 11.3 The submitted Retail Impact Assessment has therefore only assessed the impacts of the net-additional floorspace created above that of the existing Lidl floorspace on Pasteur Road. The net increase in sales floorspace is therefore only 348 sqm. The 200sqm threshold in policy R7 does not mean the impact of concern is limited to only 148sqm (348 less 200), only that the critical mass to create an impact is from stores or extensions that have at least 200sqm floorspace.

- 11.4 The RIA has looked at the impact across a catchment area of 5 minute driving from the application site. This catchment area may not be considered appropriate were it for any other form of retailer, even supermarket or other foodstore providers, but in this case the operational model of the proposal has a format of a mass discounter, the effects and catchment area of which has been understood and is well established (at least based on the trends from before the covid and current economic crises).
- 11.5 At the request of Officers, the RIA has looked at the effects of many defined centres across the Borough, including those which the applicant contends are outside their forecast catchment area, starting with a 'health check' of each centre. The RIA for this model of retailing has demonstrated a 0.75% impact on the Great Yarmouth town centre, but only if the existing store is taken out of retail use. This is considered acceptable by officers and characterised as low impact on the town centre and other centres, providing that the removal of the existing store floorspace from retail activity can be secured by a section 106 legal agreement. As a result, it can be concluded that the retail impact assessment shows that the proposal will not have any significant adverse impact on existing, committed and planned public and private investment in any centre or centres in the catchment area of the proposal.
- 11.6 Whilst not included within the submitted RIA (mainly owing to the difficulty to quantify such impacts), consideration of the impacts has to be given to the pull of more retail uses towards Gapton Hall, which is not a designated retail centre and already contains a large number of town centre uses. The relocation of Lidl from Pasteur Road (just outside of the town centre), to a location closer to Gapton Hall has the potential to reinforce Gapton Hall's strength as an undesignated retail centre. However, in weighing this harm up, the existing location of the store is already outside of the 'edge of centre' area to the town centre and so if people are to leave the centre for one destination they are equally as likely to leave for the other.
- 11.7 Though some customers may access the existing store by foot and may struggle to access the new store on foot, it would be difficult to practically link trips between the town centre and existing foodstore site. The site is slightly further from the town centre than the existing Lidl retail site, so car use is more likely to occur, however, this site is closer to other large retailers so linked trips may also occur and reduce the likelihood of specific or longer trips. There is no existing bus service in this area, but there are cycle routes on Pasteur Road and linking through onto Anson Road so access from the Southtown area for non-vehicular users is not significantly different. Therefore, the net retail impact of the move from one location to the other slightly further out is primarily based on the slight increase in floorspace of the new store and its effects on defined centres in the vicinity of the new site.
- 11.8 Overall, it is considered the Retail Impact Assessment is robust and has provided sufficient evidence to assess the potential retail impacts in accordance with local and national policies. The outcome of such analysis is that nearby defined centres will not be adversely affected to an unacceptable degree, but

this is subject to the satisfactory site disposal of the existing store, to prevent any reuse of the existing site having a detrimental retailing impact upon the town centre, which could otherwise be the case with an unrestricted Class E use.

- 11.9 Subject to requirements of controlling the floorspace, sales areas and operations of the proposed foodstore to fall in line with the parameters assessed within the RIA, by planning condition, and securing suitable controls on the existing Pasteur Road site, the development will not cause any significant adverse impact on the vitality and viability of existing nearby centres, or committed and planned public and private investment in those centres, and therefore the development will comply with adopted local retail policy.
- 11.10 Officers will present a more complete range of proposed planning conditions to the Committee, but the following retail impact controls will be included:
- Site to provide a foodstore only, and no other E class use.
  - Floorspace to be limited to maximum of 1411 sq m sales area.
  - A maximum 1129 sqm to be used as convenience good retailing.
  - No more than 282 sqm to be used as comparison goods retailing.
  - No subdivision of the building into smaller premises.
  - No extensions to the building through permitted development rights.
- 11.11 In addition, a draft section 106 agreement between applicant (who is also expected to become site owner of both this application and the Pasteur Road site) and LPA will require retailing uses to cease and not be resumed, prior to the first use of the application site. Planning permission should not be granted without these being secured by Agreement.

## **12 Highways safety, parking and network impacts**

- 12.1 In addition to ensuring the development is safe for users of the highway network, the site's accessibility to communities is also key to whether it is appropriate for a retail foodstore.
- 12.2 The levels of parking required also contributes to the development being safe in the local highway network; if there is an undersupply of expected spaces there is a risk of 'overflow' onto surrounding roads. It is not considered that the additional traffic flows that arise would impact on the highway network.
- 12.3 The proposed development of 2,275sqm GIA requires up to 163 car parking spaces on site, but this proposal includes only 136 spaces. The Local Highway Authority originally suggested the quantum of parking is too low, but the applicant has provided details to support their assertion that customers to Lidl and other discount food retailers like Aldi and Netto spend less time on site than other larger size supermarkets where the range of goods typically purchased is of a greater extent than with such "deep discounters". It is considered that this argument has some merit, and, in any case, technical under-provision encourages alternative travel mode. Similarly, if a new user was to purchase the site, then the under-provision would be a matter of fact on the site, and this

would inform choices by potential operators. Ultimately the parking standards are maximum figures, so the under-supply of 27 spaces is not contrary to policy and development of the site as proposed will not cause unacceptable safety impacts.

- 12.3 The development has been amended to address other Highway Authority concerns. The access from Thamesfield Way has been improved, including the design of a pedestrian refuge crossing and pedestrian priority across the bellmouth. Final details can be arranged and the works provided by conditions.
- 12.4 Parking provision comprises 136 spaces which include:
- 11 standard active, 2 rapid active, 2 disabled active and 13 passive EV charging spaces.
  - 9 parent and child spaces.
  - 6 disabled spaces.
- 12.5 Cycle parking has been provided to adequate levels and there is clear safe route to the cycle stands which are positioned adjacent the entrance and in view of customers.
- 12.6 The Highway Authority and LPA officers are both satisfied the development addressed policies CS9 and CS16 and can be approved subject to conditions.

### **13 Flood risk and drainage**

- 13.1 As a development proposing over 1000sqm floorspace, a sustainable drainage scheme is required. After significant negotiation, the applicant has addressed the Lead Local Flood Authority's concerns with a revised drainage scheme within their Flood Risk Assessment Version 7, dated 21 October 2022, and an associated Technical Note dated Oct 2022.
- 13.2 The LLFA's final recent concerns were that the scheme:
- did not have capacity for draining at the appropriate drainage rates, but this has been demonstrated with revised Microdrainage calculations; and,
  - the exceedance flow predictions from storm events were shown to drain towards the highway and be likely to exceed to accommodate them on site. A new drainage channel has been proposed to capture additional storm waters were even the most challenging storm events occur.
- 13.3 The Water Management Alliance / Internal Drainage Board have commented that the proposed connection to the IDB drainage network will require use of a drainage ditch and culvert which runs through the site, but there is uncertainty over the connections required. Conditions can require the network to be surveyed to confirm the connection, and the scheme to be followed thereafter. The IDB note the outflows from the site into their watercourse is proposed to be slower than the greenfield rate but is the best possible rate determined by the site constraints. An Informative note will advise that specific drainage connection consent may be needed from the IDB.



- 13.4 The scheme will also include an attenuation pond within the east corner landscaped area which will have some associated benefit of helping wildlife.
- 13.5 The site is within Flood Risk Zone 3a, but the foodstore use is classed as being 'less vulnerable' within the NPPG. The development must therefore pass the flooding Sequential test. Policy E1 sets the requirements for a sequential test assessment, whether undertaken by the applicant or the LPA, and states: *"Where non-residential uses are proposed, areas of search should be applied proportionately depending upon the type of use"*. The NPPF requires a sequential test to cover *"the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed."*
- 13.6 Officers have considered the sequential approach and consider it is necessary for this to be examined in parallel with the retail-based sequential test. In this instance the catchment is accepted as a 5 minute drive distance from the application site, for reasons explained in the retail section above. As with the results of the retail-based sequential assessment, there are no alternative sites available which can accommodate the floorspace range of the foodstore which are suitable for planning policy reasons / matters of principle, such as being allocated or protected for other uses, or within development limits, regardless of their being reasonably available to the foodstore operator. In the opinion of officers there are no other suitable available sites known to the LPA and the development therefore does not need to pass the exceptions test.
- 13.7 Notwithstanding the absence of other suitably-sized sites in appropriate areas available for this development, the site is in flood zone 3a but the risk primarily relates to the easily predicted tidal overtopping cause for flooding, where adequate warning can be given. Because of the existing buildings on the site and the size of the flood cell displacement impacts are not considered to occur. Furthermore, the vulnerability classification of the proposed use is no different to the current use, and it is likely that the numbers of personnel on site and at risk of flooding is likely to be lower associated with this application than the former education use.
- 13.8 The economic impact of a flood event will be relatively high in terms of lost goods, but this can be mitigated in terms of the building's performance in a flood and the other material losses would be a commercial risk to the operator.
- 13.9 The Environment Agency have removed their initial objection, noting that (so long as the drainage scheme is acceptable and the flood resilient construction measures are provided) the Emergency Flood Response Plan dated 26 April 2022 has overcome their concerns. Key to this response is the inclusion of a mezzanine level refuge area for staff which will be approximately 3.1m AOD, compared to the predicted worst-case flood depth of 1.79m AOD & 0.30m freeboard. Conditions will require compliance with the Plan.
- 13.10 The development has therefore been accepted with its latest drainage scheme and, subject to conditions for compliance with these details, will address the NPPF requirements and policies CS13 and E1.

## 14. Design, amenity, landscaping and ecology

- 14.1 The development proposes a large format single-storey building not dissimilar to the retailing buildings in the vicinity nor the character of many industrial; units in this or adjoining employment areas. The location is prominent to the highway network but is otherwise not of distinctive design or a single prevailing character. The mono-pitch roof will face southeast into the employment area and create a consistency of style and connection to the retailing offers opposite. The proposed building is steel framed and comprises insulated metal sheet cladding so is perhaps slightly monotone but is not dissimilar to office or industrial and warehousing buildings. The scheme therefore addresses policy CS9.
- 14.2 The application has provided a noise impact assessment which confirms no significant effect on neighbouring uses subject to conditions on hours of delivery, plant and machinery for example. The site is sufficiently distanced from permanent residential areas to prevent an adverse impact on those residential receptors also. However, the site is in line of sight of the travellers site in closer proximity and there may well be a requirement to pile foundations in the soft ground conditions, so it is recommended to curtail hours of construction work on this site by condition in this instance. In all other respects the use and scale of the development is not dissimilar to industrial, office or school activities that went before and offers some confidence that it will not create unacceptable impacts on adjoining uses, so complies with policies CS9 and A1.
- 14.3 Under policy E4, development will be supported where it: *“retains trees, hedgerows, including ancient trees and hedgerows, and landscape features which contribute significant value to the character, amenity or ecology to the locality”*. The site has the benefit of some fairly deep highways verge hedging and shrubs and this is proposed to be reinforced by additional landscaping within the application site and alongside the building’s western elevation so will improve the screening and soften the appearance of the building. Some of this planting will need to include tree planting, previously lacking from the plans, but which can be included in a modified layout and landscaping plan by condition.
- 14.4 The landscaping plan accompanying the application is welcomed. The proposed boundary hedging can help to soften the car dominance of the area, particularly given the proximity of Pasteur Road as a dual carriageway. It would, therefore, be beneficial to have sufficient height to restrict the sight of the cars that will use car park but enabling the store itself to be seen from the roadside. The landscaping proposals also provide an opportunity for bat and bird boxes to be included which can be secured by conditions. By virtue of the planting possibilities on site and the opportunity to require a full landscape planting schedule by condition, the proposal is considered compliant with policy CS9(a) and(g) and E4, and in doing so offers additional biodiversity enhancement sought by CS11.

## 15. Material Consideration: Predicted jobs growth

- 15.1 The emerging evidence also suggests there will be an increase in 'employment use' jobs creation across the Borough which would expect to be accommodated and safeguarded in areas of 'designated employment land'. In the period 2021 – 2041, jobs growth in these sectors is predicted to be 699 new jobs in manufacturing, storage and distribution, light industry, research & development and office jobs. When these forecasts are analysed further, it is seen that the net increase of 699 new jobs actually masks a loss of 589 jobs from manufacturing but an increase of 513 jobs in warehousing, and 775 office jobs.
- 15.2 The application for a foodstore in a safeguarded employment area also must be considered in terms of the contribution the site might make towards jobs growth and retention in the Borough.
- 15.3 The application site is not considered the optimal for manufacturing, as it is established as offices with some curtilage for distribution. Given the predicted decline in manufacturing jobs, the loss of this site as a possible manufacturing location is considered unfortunate but accepted as a realistic loss.
- 15.4 The application site must therefore be considered in terms of its potential contribution to jobs in traditional employment uses, and through the foodstore.
- 15.5 To consider the number of jobs that could be created by this development, current guidance (the HCA 'Employment Density Guide 3<sup>rd</sup> edition' 2015) can be used to illustrate the jobs creation potential based on the floorspace proposed. The table below compares traditional forms of employment as would be found within safeguarded employment areas with the number of jobs proposed in the foodstore of 2,342 sqm Gross Internal Area.

Employment sector	Floorspace needed to create 1 new full time job (gross internal area)	No. jobs that would be created with the proposed floorspace of 2342 sq m GIA
Industry jobs (Class B2 uses)	36 m2	65 jobs
Warehousing, storage and distribution (Class B8 uses)	67 m2	35 jobs
Offices (Class E c i-iii uses)	14 m2	167 jobs
Retail foodstore in application this 06/22/0008/F	2342 sqm GIA floorspace is equivalent to 59 m2 per new FTE employee	40 obs

- 15.6 The number of FTE jobs that are forecasted to be created by this development are much less than the original use of the site as offices. However, that has to be viewed with some caution given that (i) it is not clear that an office use exists

at the site anymore, and (ii) the offices have been marketed and proved insufficiently attractive for reuse, perhaps given their slightly aged status and the availability of office stock elsewhere or potential new build opportunities promoted elsewhere. The potential reuse for industrial jobs could create more than the proposed foodstore, but again that did not prove sufficiently attractive to the market nor is the site readily available for industrial use (and would require specific permission to do so). The foodstore is able to offer more jobs than a warehouse, although again it is noted that would also need permission, to change the use at the least, and the site would possibly also need redevelopment which may have deterred investment.

15.7 As part of the decision making process, the importance of the benefits of creating jobs and potential uplift to the local economy can both be given 'weight' in the exercise of planning balance. The appropriate weight to be given to those factors lies with the decision maker based on their planning judgement. In this case, the economic factors to be considered are:

- The additional jobs at this site,
- Continuation of some future jobs through a new use at the Pasteur Road site,
- Investment during construction and continued spend in the local economy from the new jobs,
- The comparatively low number of jobs expected from the other forms of employment use at this site, and,
- The small impact on defined centres due to the small net additional retail sales floorspace proposed (following contingent closure of the existing store).

15.8 For the reasons given above, it is considered that the foodstore use helps create as many, if not more, jobs as might reasonably be expected from the site, and the proposals also have the benefit of releasing land and a building in an accessible location for other uses which will create employment. The other sites will therefore help assist the Great Yarmouth economy and provide jobs for the nearby residential communities and investment in the town overall.

## **16 Local Finance Considerations**

16.1 Under Section 70(2) of the Town and Country Planning Act 1990 the Council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus, or the Community Infrastructure Levy (which is not applicable to the Borough of Great Yarmouth). Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority, for example. There do not appear to be any planning-related local finance considerations linked to this development.

## **17     The Planning Balance**

- 17.1   There will be a loss of employment area land, however, there potentially would be the release of other appropriate land for some degree of employment-generating uses on the existing site at Pasteur Road where retailing will not be permitted to continue.
- 17.2   The site is slightly further from the town centre where car use is more likely to occur, however, this is close to other large retailers so linked trips may occur and accessibility to the Southtown area for non-vehicular users is not significantly different from the existing site. The development is considered beneficial to enhance existing customer base experience through offering a larger store and improved parking levels, without creating a noticeable impact on existing nearby local centres. Sequentially the site is the best available location for a foodstore of this format and the development has made suitable provisions to address the flood risk and avoid increased flood risk elsewhere.
- 17.3   Whilst the loss of employment land from a currently-designated employment area is regrettable, the development has addressed the marketing and viability requirements of policy CS6, and emerging evidence suggests the employment area as a whole may not be appropriate to retain as a safeguarded area. In this instance the site is already not in a traditional employment use, so continuing a non-employment use in the future does not exacerbate the overall employment land status anyway. As a retail site, conditions can ensure this operates in accordance with the parameters in which the retail impact assessment has been conducted, which has found a very small but minimal impact on centres, demonstrated minimal impact on vitality and viability of the health of nearby local centres and which is considered outweighed by the benefits of wider economic investment
- 17.4   Notwithstanding its out of centre location, there is some support through policy CS6 for jobs creation in the retail sector, and the comparative number of jobs this proposal would offer is advantageous when compared to the jobs that might be expected in other forms of usual employment uses. Furthermore, the use of the site as a jobs-creating foodstore serving an existing catchment makes a suitable alternative to continued vacancy at this brownfield site.

## **18     Conclusion and Recommendation**

- 18.1   Having considered the details provided, the application is considered to comply with policies CS2, CS6, CS7, CS9, CS11, CS13, CS16, USC7, A1, R1, E1, E4, A1, I1 and I3 from the adopted Core Strategy and Local Plan Part 2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval.

### **RECOMMENDATION:**

It is recommended that application 06/22/00008/F should be APPROVED, subject to:

- (i) the conclusion of the current consultation period on 10<sup>th</sup> March if no additional objections are received relating to issues not already discussed herein, and in the event that new objections are received which have not been assessed in this report, to revert back to Development Control Committee;  
and,
- (ii) subject to satisfactory completion of the section 106 agreement to restrict future uses of the applicant's Pasteur Road store;  
and,
- (iii) subject to a range of conditions which will be presented by way of update / addendum report ahead of the Committee meeting.

**Appendices:**

- Appendix 1 – Location Plan
- Appendix 2 – Site Layout

## **APPENDIX 2 –**

### **COMMITTEE ADDENDUM UPDATE REPORT 22ND FEBRUARY 2023**

#### **DEVELOPMENT CONTROL COMMITTEE**

#### **ADDENDUM REPORT**

**22 FEBRUARY 2023**

#### **UPDATES TO PLANNING APPLICATIONS**

#### **Item 4 – Application 06/22/0008/F: Land at junction of Pasteur Rd & Thamesfield Way**

##### **1) Corrections / clarifications to Officer Report:**

##### **Planning Balance & Accessibility –**

Although the accessibility of the site has been appraised in the body of the Officer report, those findings have not been reflected adequately in the 'Planning Balance' section of the report, nor the concluding Recommendation. Officers would like to take the opportunity to rectify that oversight within this Update Report.

As already described the site's proximity and available links to residential areas and public transport is less than ideal.

When appraising LPP2 policy R1 in its entirety, it should be noted that ensuring suitable site accessibility is a pre-requisite for satisfying policy R1, and by extension policy CS7.

The criteria (a) and (b) at policy R1 state: "*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...*

*a. the location is accessible by public transport and is accessible to pedestrians and cyclists; [and]*

*b. the site has good links to the designated centre, or links can be improved;..."*

Policy CS7(f) also requires that out-of-centre retail must be able to demonstrate "*that the proposal can be accessed by sustainable transport.*"

In this application the proposed site is not as accessible to pedestrians as would be desired, but there are routes to the site from the Southwell Road area via Anson Road's walking link around the north side of B&Q (350m walking distance)

and 800m from Boundary Road via Thamesfield Way. The distance to bus stops is also further than ideal, as described in the report para 10.19.

However there are significant material considerations linked to the application; Officers consider the material considerations collectively attract enough weight in the decision making process that Officers are able to recommend that they justify granting planning permission despite the conflict with these critical aspects of the planning policy criteria (a) and (b) of R1 and CS7 above.

2) Discrepancy in reference to policies R1 and R7 –

At paras 10.18, 10.21 and 11.3 the report describes needing to address criteria (a) – (d) of policy R7. This should instead read: policy R1.

3) Clarification on retail sequential test –

- (i) At paragraph 17.2, the phrase “*best available [site]*” is, on reflection, a shorthand phrase whereas a more accurate description would be the “*most sequentially appropriate available [site]*”. Such a draughting error has not contradicted the overall assessment which has been clear through the remainder of the report at paragraphs 10.17-10.21.
- (ii) The report does not include an appraisal of the sequentially-assessed (former Pasta Foods) vacant and cleared warehouse site at Jones (GC) Way just to the north of the proposed site. The site is ‘out of centre’ (as is the application site) but is also defined employment land, so is no more suitable other than being slightly closer to the existing store, but on the other hand is sited further from residential areas to the east and more awkward to access on the far side of the 4-lane Pasteur Road. The applicant questions whether the necessary access would be allowed by the site owners, making the site effectively unavailable at this time.

4) Section 106 Agreement update:

The applicant is entering into the draft Agreement proposed by Officers. The operation of the Agreement will ensure the following requirements:

- 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
- prevents the new store from trading until the existing store has ceased trading and has closed, and
- the existing site shall not be used thereafter for Class E(a) uses, and
- 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 applicant's land ownership registration of the new proposed Lidl site is still being processed at the Land Registry; the registration will need to have completed before any permission can be issued to ensure the S106 is completed with the appropriate parties, otherwise the existing landowners would also need to be a party to the Agreement.

5) Additional / Updated Consultee Comments:

The LLFA have amended their final consultation response to confirm they would require the development to be undertaken in accordance with the latest proposed drainage scheme.

- Officer Response: This can be secured by condition.

6) Additional Representations received:

A local resident supports the application stating:

"The present site has problems because of traffic planning decisions in past years. I think Great Yarmouth is lucky this company wants to stay. Not surprised Tesco objects. Lidl is a strong competitor. Maybe a bus service of some kind along Pasteur Road would help all the supermarkets and Gapton Hall."

7) Objections from Tesco Stores Ltd:

Officers are aware that Members were sent a new objection letter from Tesco Stores Ltd on 20<sup>th</sup> February, further to their original objection of 25<sup>th</sup> August 2022.

Officers wish to assist Members with their understanding of the points raised, in both the original objection and the recent addition, and respond to the points raised by Tesco Ltd in the table below.

Objections raised by Tesco Stores Ltd: 25 <sup>th</sup> August 2022		OFFICER RESPONSE
1	Assessing impacts against the supposed "mediocre" 'health' of the town centre: effects are exacerbated because even a slight impact can be great in areas of poor vitality	The impact of the replacement retail store is indeed more keenly felt because the town centre's health is suffering at present, but nevertheless the impact is still considered very small, causing a 0.75% effect on retail spend / turnover in the town largely due to being a very small net additional increase. <ul style="list-style-type: none"> <li>• See report paras: 2.9, 10.2, 11.5, 11.8.</li> </ul>
2	A misleading assessment of retail capacity / no appropriate evidence of capacity is presented by the applicant	The store the subject of this application is a replacement, which mechanisms in place as part of any permission to prevent the existing store also contributing to impacts

		<p>from retailing uses. That net-additional impact, and therefore capacity to absorb the impact, is limited to just 348sqm.</p> <ul style="list-style-type: none"> <li>See report paras: 2.9, 11.1 – 11.11.</li> </ul>
3	Lack of policy support for new / net-additional retail floorspace in LPP2	<p>Policies find no reason to specifically allocate new retail floorspace, given the pre-existing inclusion of new retail opportunities within large mixed-use developments to serve new communities (e.g. at Bradwell, Caister, Waterfront area in Great Yarmouth). 'Windfall' retail developments are supported as a matter of principle when they are in appropriate locations and avoid unacceptable centre impacts – as per policies CS7, R1 and R7 and to a point CS6.</p> <ul style="list-style-type: none"> <li>See report paras: 10.1–10.5, 15.8, 17.4.</li> </ul>
4	The locally-set threshold for retail impact assessments is 12.5x lower at 200sqm than the NPPF minimum	<p>The submitted Impact Assessment provides the assessment in line with policies R1 &amp; R7</p> <ul style="list-style-type: none"> <li>See report paras: 10.2.</li> </ul>
5	The Retail Impact Assessment is inadequate and misleading: it could mask a significant adverse impact on the town centre's vitality and viability, for example by underestimating the trade draw that Lidl would have, and not accounting for the full extent of diversion from other stores especially Aldi, Sainsbury's on the edge of the town centre, and Farm Foods.	<p>The Retail Impact Assessment has forecast its impacts on existing traders based on their location, access, floorspace and type of retail operation. The net increase in floorspace is small but may still create a larger impact on certain retailers - but as a proportion of their trade it is small, and as an impact on the overall town centre it is even smaller, and not considered unacceptable. The new store may well trade above its existing trade levels, e.g. due to having more parking, but is not expected to be disproportionate to its proposed scale nor is it considered likely to create a severe impact. If there is concern that trade would increase from outside the proposed retail catchment as assessed, it would suggest there is a level of unmet 'need' in the Borough which would have required an allocated retail foodstore site in policy, which has not been proposed. Any suggestion that there should be an evidential 'need' for the store to be justified is no longer a planning policy consideration.</p> <ul style="list-style-type: none"> <li>See report paras: 10.5, 11.1 – 11.2.</li> </ul>
6	Impact on planned town centre investment (public or private)	<p>It is not considered that the provision of a 'deep-discount' foodstore in this location</p>

		<p>(further from the centre than the existing store) with a relatively modest net increase in sales area would threaten the projects for which public investment is planned.</p> <p>Arguably relocating the Lidl operation further south may improve the prospects of creating and maintaining a customer base for the retail and other commercial uses planned at the Waterfront regeneration area under policy CS17 or at the market / vacant shops.</p> <ul style="list-style-type: none"> <li>• See report paras: 10.5, 10.16, 11.4, 11.5</li> </ul>
7	<p>The proposed site is not sufficiently accessible for pedestrians in particular, which is contrary to the aims of policies CS16, CS2, CS7 and specific criteria at policy R1(a) &amp; R1(b)</p>	<p>Criteria (a) and (b) do expect out-of-centre retail proposals to be able to demonstrate their proposed site is / has:</p> <p><i>“accessible by public transport and is accessible to pedestrians and cyclists” and “good links to the designated centre, or links can be improved”.</i></p> <p>The most desirable distance would be within 400m walking distance of residential areas, whereas an ‘acceptable’ distance is considered 800m and ‘maximum’ should be 1200m for this form of development.</p> <p>The site is approximately 350m walking distance from the closest Southtown residential area to the east considered less accessible to residential areas than the existing store, but the benefits of the development – overall – are considered to outweigh the conflict with these policy criteria, especially when it is remembered that there are no other preferable available locations any closer than the existing or proposed sites, and this will improve the existing customers’ offer overall for what is a very similar catchment area, with only a small impact on other defined local centre locations. In mitigation, if some customers do not find the proposed site as accessible as the existing, other existing retail locations do exist closer to hand, including other ‘deep discounters’. There may also be some opportunity for ‘linked trips’ between the application site and Pasteur Road retail park, or Garton Hall retail park, but these are likely to be small in number and no significant weight is given to this potential, due to access practicalities.</p> <ul style="list-style-type: none"> <li>• See report paras: 10.17-10.20, 11.7.</li> </ul>

8	<p>The application site is unsustainable and will not be conducive to creating new linked-trips, instead generating more traffic. A more appropriate sustainable location would encourage the linked trips to take place within existing centres.</p>	<p>The 'deep discounter' foodstore operation as proposed is accepted to not cover all needs of convenience shopping (eg not having the range of goods preferred), nor being as convenient as other supermarkets or smaller outlets, but it still has a valued place in the household retail catchment. As a replacement store of 348sqm net increase sales floorspace the additional trips created will be relatively small but can be accommodated on the highway network. The scope for linked trips is already limited and so the benefits of using a more central location will also be limited compared to the existing store's location. It is considered that customers using the existing store are already unlikely to create 'linked trips' so whilst the 'opportunity' is lost but the practical impact is no greater.</p> <ul style="list-style-type: none"> <li>• See report paras: 10.10, 11.6, 11.9.</li> </ul>
9	<p>The retail sequential test is incomplete: the NPPF requires that even on out-of-centre sites <i>"preference should be given to accessible sites well connected to the town centre"</i>. Sites may have been discounted without good reason.</p>	<p>The applicant has not considered smaller sites which might be possible to be used if the floorplan / design of the foodstore were different, such as a two-storey model. However, this would still not find a suitable location within centres or out-of-centre locations, and other out-of-centre sites could require a different foodstore catchment area so further weakening the proposal's accessibility. No other suitable sites were identified to be available, by the applicant or the LPA, and the sequential assessment process must not be unduly burdensome on the applicant and a market-lead reasonable format of operating model.</p> <ul style="list-style-type: none"> <li>• See report paras: 10.8 – 10.17.</li> </ul>
10	<p>Inadequate marketing of the proposed employment land location, when considered against the requirements set out within policy CS6. The marketing has not been 'suitable'.</p>	<p>Policy CS6 requires 'suitable' marketing for 18 months, with a marketing campaign relevant to the site in question and with an appropriate and reasonable price. Local Plan Part 2 paragraph 3.218 also sets out the expected marketing conditions to follow. A comprehensive marketing report would have made this process easier to review but it is clear from the interest received that various parties were aware of the development potential and sale possibilities at the site, and offers were made across a broad range of prices, purposes and terms.</p>

		<p>It is acknowledged that the sales potential and/or marketing exercise was perhaps muddled by the inclusion of adjoining land for a period of time, and the promotional material was not expressly nor solely concerning 'employment land / uses'. If Lidl were known to have an interest at the site during any part of the marketing period, it would not be uncommon for interest to still be submitted on the basis that such offers are usually / often 'subject to planning'. Nevertheless, there are other material considerations which paint a broader picture of the site's potential for reuse by more conventional employment purposes, which include: former uses, including well-known temporary uses, extended periods of vacancy, wider feasibility of the site as a defined employment area, and the local plans additional support for retail as a 'form' of jobs-creating / 'lesser' employment use.</p> <ul style="list-style-type: none"> <li>• See report paras: 7.4 - 7.11, 8.6 - 8.13, 9.4 – 9.9, 15.2 – 15.8, 17.4.</li> </ul>
11	<p>The application has not presented any suitable mechanisms for preventing convenience retail / food sales use at the existing Lidl site (so could increase the retail impact assessment overall): if there is such confidence that the existing site will create jobs through redevelopment or reuse then the new site should equally remain available as protected employment land. To prevent retailing, the applicant (and site owner) will need to agree to formally Modify the existing 2004 permission 06/04/0317/F, going to the heart of the matter being considered.</p>	<p>Imposing a restriction on the existing site is being pursued by way of a legal agreement, because the retail impact assessment has also only examined possible impacts from the net-additional sales floorspace created, and no possible retail use of the existing store. Precautions are necessary, at least until appropriate retailing impact assessments and mitigation are proposed to address any possible future impacts of the two sites being used in conjunction. The objection actually asks that only food retailing is prevented at the existing site, but as that store currently has the benefit of an 'open' retail permission, any retailing use is possible and could create wider impacts as an edge/out-of-centre site which should be avoided. The existing Pasteur Road Lidl site is within development limits so a range of uses would be considered suitable in principle, although office uses would have to undergo a sequential test as per policy B1 and other 'main town centre uses' would have to examine defined centre locations first. Employment-generating uses would be encouraged towards defined employment areas but in policies there are no in-principle</p>

		<p>objections to non-office employment uses being location in such location.</p> <ul style="list-style-type: none"> <li>See report paras: 11.11, 15.7 - 15.8, and Officer's Recommendation.</li> </ul>
Objections raised by Tesco Stores Ltd: 20 <sup>th</sup> February 2023		OFFICER RESPONSE
1	An error in the report at paragraph 18.1 suggests the assessment has been inconsistent and potentially erroneous in appraising adopted local policy, affecting the planning balance.	<p>The drafting error in the report is acknowledged, but the overall assessment has clearly identified the conflicts with policy and recognised the benefits that outweigh that policy conflict.</p> <ul style="list-style-type: none"> <li>See report paras: 4.1, 8.13, 9.9, 15.1 – 15.8, 17.1, 17.3, 17.4.</li> <li>See also Update Note 1(f) above.</li> </ul>
2	The marketing requirements of policy CS6 have still not been addressed.	<p>This is covered at August 2022 point 10 above.</p> <p>If the 18 month period is questioned, on the basis that Lidl became interested in the site over the final 5 months of the 18 month period, it is noted that policy CS6 does allow a shorter period of marketing in some circumstances, but material considerations also weigh against the need to insist on a strict 18 month marketing with no such interest.</p>
3	The report has misrepresented the importance of securing a Modification of the existing Pasteur Road store's open retail use permission.	<p>The report describes, erroneously, at paragraph 4.3 that Tesco Stores Ltd seek 'closure' of the existing store; this is unfortunate shorthand for the effect of the mechanism being pursued with the applicant. The report should state that Tesco only seek the cessation and prevention of retailing for food purposes (see their submission of 25/08/22).</p> <p>LPA officers and their legal advisors have drafted an agreement which requires retailing to cease before the Thamesfield Way store opens for trade, and does not allow any form of retailing to resume without express permission (by way of application and appropriate supporting information). These 'heads of terms' can be revisited but our legal advice has, to date, said that a formal Modification was not necessary to meet the requirements whilst being within the NPPF tests for planning obligations.</p>

		<p>The broad requirements of the Officer Recommendation remain unchanged, but further consideration of using a Modification order will be undertaken.</p> <ul style="list-style-type: none"> <li>• See report paras: 11.11</li> <li>• See also Update Note 4 above.</li> </ul>
4	Misinterpretation of the retail sequential test	<p>The report does make clear that the sequential assessment process under policy R1 (not policy R7) only allows the site to be considered favourably if there are no other suitable alternative sites. There are no other available sites which are sequentially better, as has been demonstrated at 10.17-10.21.</p> <ul style="list-style-type: none"> <li>• See report paras: 10.7 – 10.21.</li> <li>• See also Update Note 3 above.</li> </ul>
5	The site's Accessibility to pedestrians is questioned and conflicts with requirements of policy R1(a) and (b). Also, the assessment should not look favourably on any possible bus links of the future. As such the proposal remain in conflict with policy R1.	<p>The report has only documented the distance to residential areas in very general terms. A more specific assessment reveals that walking routes to the store from the Southwell Road / Southtown area are approximately 350m – 800m in practice.</p> <p>The report does not put any additional 'weight' against possible public transport connections once the Third River Crossing is completed, only identifies that it could occur.</p> <p>This initial omission was an error from not documenting the officer assessment rather than a misunderstanding of the proposal. Whilst the site is further than the 400m 'desirable distance' to bus stops and residential areas (a measurement used to reflect a comfortable distance carrying shopping bags) there are other considerations in favour of the proposal notwithstanding the conflict with parts of policies CS7 and R1.</p> <ul style="list-style-type: none"> <li>• See also Update Note 1 above.</li> </ul>

6	The Flood Emergency Plan has not been proven to make the development safe in the event of flooding.	<p>The Council's Emergency Planner / Flood Resilience Officer has accepted the flood precaution measures and confirmed they are satisfied. Furthermore, compliance with the flood plan can be sought by conditions.</p> <ul style="list-style-type: none"> <li>• See report para: 13.9.</li> </ul>
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8) Recommendation:

Following Update Note (1), it is noted that the report has consistently identified the conflict with policies (employment and retailing location in particular) but at paragraph 18.1 a drafting error in the report erroneously concludes that the application "complies with policies". Paragraph 18.1 should instead state:

"Having considered the details provided, the application is considered to comply with policies CS2, CS9, CS11, CS13, CS16, USC7, A1, E1, E4, I1 and I3 from the adopted Core Strategy and Local Plan Part 2, and is considered to provide suitable and appropriate benefits which are considered important materials considerations of sufficient weight to outweigh the areas of identified conflict with policies CS6 and CS7 of the adopted Core Strategy, and R1 of the Local Plan Part 2.

9) Updated recommendation:

- a. In the event of needing further referral: to present new information to Chair of the Committee to agree with the Head of Planning whether permission continues to be issued at Officer level.
- b. Subject to conditions as presented to the meeting.



**APPENDIX 3 –**

**EXTRACTS OF COMMITTEE MINUTES – 22<sup>nd</sup> FEBRUARY 2023**



**GREAT YARMOUTH**  
BOROUGH COUNCIL

# Development Control Committee

## Minutes

Wednesday, 22 February 2023 at 18:00

Councillor Freeman (in the Chair); Councillors Flaxman-Taylor, P Hammond, Hanton, Mogford, Myers, Fairhead, Wainwright, A Wright, B Wright, Williamson and Galer.

Mr M Turner (Head of Planning), Mr R Parkinson (Development Manager), Mr N Harriss (Principal Planning Officer), Ms C Whatling (Monitoring Officer), Mrs S Wintle (Corporate Services Manager), Ms S Buttifant (Planning Officer), Mr D Zimmering (IT Support) and Ms T Koomson (Senior Democratic Services Officer).

### **01 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors G Carpenter and Annison.

Councillor Galer attended as a substitute for Councillor G Carpenter.

### **02 DECLARATIONS OF INTEREST**

Cllr Hanton declared personal interest in agenda item 6 as the Chair of the Community Safety (Great Yarmouth) Ltd. that operates the CCTV in the Borough of Great Yarmouth. GYBC makes an annual donation to the company. Cllr Hanton informed the Committee that he would not participate in debate or vote on this item.

Cllr Williamson declared personal interest in agenda item 5 as the Chair of the GY Preservation Trust.

Cllr Wainwright and Cllr P Hammond declared personal interest in agenda item 5 as members of the Town Deal Board.

Cllr Wright asked it to be noted that the objector for the application 06/22/0008/F Tesco plc (agenda item 4), has made direct email contact with several (if not all) Councillors.

### **03 MINUTES**

The Minutes of the meeting held on the 18 January 2023 were confirmed.

### **04 APPLICATION 06-22-0008-F - Former Trafalgar College, Land at Junction of Pasteur Road and Thamesfield Way, Great Yarmouth**

The Chair gave the Committee sufficient time to study the addendum report that largely related to the application 06/22/0008/F.

The Committee then received and considered the report set out on the agenda, which was prepared and presented by the Development Manager Mr R Parkinson. The application was brought before the Committee at the discretion of the Head of Planning, noting the conflict with policy. The application proposed demolition of existing building and erection of a new discount food store (Use Class E) with access, car parking, landscaping and other associated works.

The Development Manager summarised that the Marketing and the Planning History suggests there is little prospect of site's reuse for 'traditional' employment use (policy CS6) and that the 2022 employment land assessment suggests little merit in retaining the specific employment land policy protection. He further confirmed that forty jobs at the food store exceed the forecasted number of jobs that would be expected from some other forms of 'employment use' job creation. He further confirmed that there are no more suitable locations available for retail use with a sequential preference. Although the site cannot demonstrate preferred level of pedestrian accessibility as required by Policy R1 (a) which is a weakness of the scheme, there is on the other hand only a very small impact from the net-increase retail sales area proposed. Hence the other public benefits collectively outweigh the conflict with policy R1 and CS6 namely that of jobs creation on site and at existing store, reuse of vacant and brownfield land and providing an important facility to support businesses and continuing to serve a local retail catchment.

As such, the Development Manager confirmed that as stated in the addendum report, having considered the details provided, the application is considered to comply with policies CS2, CS9, CS11, CS13, CS16, USC7, A1, E1, E4, I1 and I3 from the adopted Core Strategy and Local Plan Part 2, and is considered to

provide suitable and appropriate benefits which are considered important material considerations of sufficient weight to outweigh the areas of identified conflict with policies CS6 and CS7 of the adopted Core Strategy, and R1 of the Local Plan Part 2. It was therefore recommended that the application 06/22/0008/F to be approved subject to 1) Conclusion of public consultation period, following which to present new information to Chair of the Committee to agree with the Head of Planning whether permission can to be issued at Officer level, and 2) Securing legal agreement as described in report and Addendum update report and 3) Conditions as proposed, with the final versions to be agreed under delegated authority to the Head of Planning, and pre-commencement conditions to be agreed with the applicant.

Cllr Wright asked for clarity if the eighteen months of marketing the site was during the covid pandemic and if the forty jobs creation refers to full time employment. The Development Manager confirmed that the marketing period did coincide with the pandemic however would not have compromised the marketing. He further confirmed that the job creation referred to in the report is of full time equivalent.

Cllr Myers asked for clarity in the timescale of closing the existing store before opening the planned new store. The Development Manager confirmed that there is no intended gap between closing the old store and opening the new store. However, in order to be compliant with s.106, the plan is to build the new store and when that is ready to open, close the old store.

Cllr Fairhead referred to section 13 on the report and highlighted the importance of ensuring that any development on the site does not cause drainage and flooding issues to other surrounding areas. The Development Manager confirmed that the Water Management Alliance and the Drainage Board have been very clear on their licensing in relation to drainage and the development is not assessed to be likely to increase flooding elsewhere.

Cllr Williamson agreed that the site has not attracted employment use interest for a very long time and as such he fully supports the application. He further agreed with Cllr Fairhead that ensuring proper care in relation to the drainage is highly important so that it does not end up causing drainage problems and flooding further down south. The Development Manager agreed and further clarified the measures taken in relation to managing the flood risk and drainage. Basic principle being that the hard surfaces on the proposed development are roughly the same as they are currently and that the drainage is designed to operate on reduced 'slowed down' rate and only be discharged steadily downstream.

Cllr Wright outlined his concerns in relation to the application mainly the loss of

designated employment land that may be required in the future and the poor catchment area for local residents who will lose a local shop and have poor pedestrian access to the new location. He further clarified that his objections are not the same as those submitted by Tesco plc. The Development Manager clarified that due to high vacancy rate on this location there already is consideration to de-designate the area as an employment land. He accepts that the marketing of the land was during the pandemic, but that does not undermine the actual marketing process. He further confirmed that there are other similar food stores in the current location catchment area.

Cllr Hammond did not consider the catchment area and relocation of the store to be a major concern as the applicant would know their own market base. He further added that regardless of the pandemic, the eighteen months advertising period is more than sufficient. He further asked clarity about the proposed conditions and specifically condition 3 - no other E class use and 6 – subdivision. The Development Manager confirmed that this means that it needs to operate as a food store and no other shops, cafes or offices can operate on the site as specific units. The Head of Planning clarified whether the question related to ancillary uses (such as internal coffee shops) or the actual subdivision of the larger store into multiple smaller retail units. Ancillary uses are not in themselves deemed to be development and therefore planning permission would not be required. The proposed condition would prevent the subdivision of the store into multiple small stores.

The Head of Planning also noted that Members had discussed the clear relationship between the granting of the application before them and the closure of the existing store. However, he reminded Members that it was important to note that the closure of the existing store did not require planning permission and as such should not be regarded as a material consideration in determining the application.

Cllr Myers agreed that although it is regrettable that there is a potential loss of a local shop for some residents, other food stores may subsequently open in the vicinity of the town centre in the future. He thought that the application to expand and provide a bigger store is a vote of confidence for Great Yarmouth and a positive thing as a whole. He further added that although it is a loss of designated employment land, one can't wait forever for such application.

Cllr Wainwright agreed that the land has been unused for a long time and the College that used to operate on the site shut down four years ago. There has been no interest at all for the site as a use of employment land and at least this plan provides forty jobs.

Cllr Mogford agreed that the planned location for a food store was excellent both for visibility and access and will ultimately provide a bigger store for the residents of Great Yarmouth. He also agreed that although it is not within the ideal walking

distance, that should not prevent the development from going ahead.

Cllr Flaxman-Taylor noted the high number of conditions placed on this application and proposed that, as per recommendations stated on the addendum report and subject to the stated conditions, the application be approved. This was seconded by Cllr Williamson.

Following a vote, it was RESOLVED:-

That application number 06/22/0008/F be approved subject to:

1. Conclusion of public consultation period, following which to present new information to Chair of the Committee to agree with the Head of Planning whether permission can to be issued at Officer level.
2. Securing legal agreement as described in report and Addendum update report
3. Conditions as proposed in the summarised list below, with the final versions to be agreed under delegated authority to the Head of Planning, and pre-commencement conditions to be agreed with the applicant.

Proposed conditions

1. Standard time limit
2. To accord with plans
3. Site to provide a foodstore only, and no other E class use.
4. Floorspace to be limited to maximum of 1411 sq m sales area.
5. A maximum 1129 sqm to be used as convenience good retailing and no more than 282 sqm to be used as comparison goods retailing.
6. No subdivision of the building into smaller premises.
7. No extensions to the building through permitted development rights.
8. No commencement until highways works are agreed & provide pre-use
9. Contamination investigations and remediation plan - inc extra surveys
10. Contamination risks assessment from foundations works proposals
11. Ground gas surveys and monitoring plan
12. Materials management plan
13. Drainage outflow point to be surveyed and agreed to ensure deliverable
14. Flood resilience and safety measures to be agreed following principles in FRA
15. Flood emergency response plan to be agreed, and mezzanine provided to appropriate height 2.09m AOD, and available for public use in emergency
16. Provide and retain visibility splays and other Highways Authority requirements
17. Drainage to accord with the approved drainage layout plans
18. Drainage maintenance schedule to be agreed and followed
19. Foul drainage strategy to be agreed
20. Fire hydrant to be agreed and provided
21. Materials to be agreed
22. Landscaping scheme to be agreed, to accommodate attenuation and at least 9 trees and suitable replacements for those being removed where necessary
23. Landscaping schedule to be agreed
24. Substation screening and substation to be green
25. Ecology enhancement scheme to be agreed, inc bird and bat boxes
26. Provision of EV charging as per the layout and schedules proposed
27. Provision of various parking space types and cycle parking stands

28. No external lighting without prior permission
29. Noise mitigation measures as proposed in noise impact assessment
30. Solar panels as proposed prior to use
31. Tree protection measures as per AIA
32. Implement Travel Plan upon commencement of use
33. Hours of construction
34. Hours of use of the store

And any additional / amended conditions proposed by the Head of Planning and agreed with the Chairperson of the Committee.

## **05 APPLICATION 06-22-0955-F - Former Palmers Store 37 - 39 Market Place Great Yarmouth**

The Committee received and considered the report set out on the agenda, prepared and presented by the Principal Planning Officer Mr N Harriss. The application was brought before the Committee as it was a connected application where the applicant was the Borough Council. The application was for proposed change of use from retail/commercial into local community and education use to accommodate the relocated Great Yarmouth Public Library and provide new space for University classrooms and Adult Education (F1 (a) (d) uses); Ancillary associated uses; proposed external repairs to building fabric; Replacement door & windows; New ground floor entrance to Market Place; Internal amendments to facilitate new use; New external staircase.

The Principal Planning Officer reported that having considered the details provided, the application is considered to comply with policies CS9, CS10, CS15 and CS16 from the adopted Core Strategy, and policies GSP1, GY1, R1, R2, A1, E5 and I1 from the adopted Local Plan Part2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval. He further confirmed that as per addendum report, all Proposed Elevations have been updated to include more detailed notes clarifying proposed external materials.

The Principal Planning Officer summarised that the application repurposes a vacant building and will significantly enhance the buildings appearance and wider townscape setting. It also delivers a key mixed use premises that is an important element in the Town Centre Regeneration and enhances library provision by also providing important community uses, adult learning provision and education centre. It was therefore recommended that the application 06/22/0955/F be approved, subject to conditions as set out on the addendum report.

Cllr Fairhead asked if the lift that previously existed in the building would remain for the public use. The Principal Planning Officer confirmed that it would.

Cllr Wright asked if there was a designated space for an art gallery. The Principal Planning Officer confirmed that there is no permanent area for an art

**APPENDIX 4 –**

**PROPOSED FINAL DRAFT SECTION 106 AGREEMENT**



Dated

2023

Great Yarmouth Borough Council

-and-

Lidl Great Britain Limited

**DEED OF PLANNING OBLIGATION  
UNDER SECTION 106  
OF THE TOWN AND COUNTRY PLANNING  
ACT 1990**

relating to land on the south west side of Thamesfield Way,  
Great Yarmouth

**THIS DEED** is dated

2023

**PARTIES:**

- (1) **GREAT YARMOUTH BOROUGH COUNCIL** of Hall Plain, Great Yarmouth, NR30 2QF (referred to as "the Council")
- (2) **LIDL GREAT BRITAIN LIMITED**, Company number 02816429, whose registered office is at Lidl House, 14 Kingston Road, Surbiton, KT5 9NU (referred to as "the Owner")

together referred to as 'the Parties'

**INTRODUCTION**

- (A) The Council is a local planning authority for the purposes of this deed for the area within which the Site is located.
- (B) The Owner has applied for the Permission and the Council has resolved to grant the Permission provided the Parties enter into this Deed.
- (C) The Owner owns the freehold of the Application Site which is registered at the Land Registry under title number NK512090 and held free from encumbrances other than the matters referred to below and is also the freehold owner of the Existing Lidl Site registered at the Land Registry under title numbers NK120718, NK122955, and NK300328.

**1. DEFINITIONS**

In this Deed the following expressions have the following meanings:

Act	The Town and Country Planning Act 1990 as amended.
Application	the application for the Development registered on 6 January 2022 under reference number 06/22/0008/F
Application Site	the land known as the south west side of Thamesfield Way, Great Yarmouth and registered at H M Land Registry under title number NK512090 as shown edged

	red on Plan 1
Commencement	<p>The date on which a material operation as defined in Section 56(4) of the Act is first carried out, except (for the purposes of this Deed only) operations consisting of:</p> <p>site clearance</p> <p>demolition</p> <p>archaeological investigations</p> <p>ground surveys</p> <p>removal of contamination or other adverse ground conditions</p> <p>erection of temporary fences</p> <p>temporary display of site notices and/or advertisements</p> <p>and 'Commence' and 'Commenced' will be construed accordingly</p>
Development	The demolition of existing building and erection of a new discount foodstore (Use Class E) with access, car parking, landscaping and other associated works pursuant to the Permission on the Application Site
Existing Lidl Site	The land known as Lidl Stores, Pasteur Road, Great Yarmouth registered at HM Land Registry under title numbers NK120718, NK122955, and NK300328 shown edged red on Plan 2
Existing Foodstore	The existing foodstore owned and operated by the Owner located on the Existing Lidl Site
New Foodstore	The proposed foodstore to be constructed pursuant to the Permission on the Application Site
Nominated Officer	The senior officer of the Council responsible for development management or other officer of the Council notified to the Owner

Occupation	Occupation of the New Foodstore , or any part of it, for any purpose authorised by the Permission, but excluding occupation for the purposes of: construction internal and external refurbishment decoration fitting-out marketing and 'Occupy' and 'Occupied' will be construed accordingly
Permission	The planning permission granted by the Council for the Development pursuant to the Application
Plan 1	The plan showing the location of the Application Site on drawing no. 7723L-19 attached to this Deed
Plan 2	The plan showing the location of the Existing Lidl Site on drawing no. 7723L-30 attached to this Deed
Site	Together the Application Site and the Existing Lidl Site
Trigger	means the Commencement date and any trigger or threshold in this Deed linked to the taking of specified steps, payment of money, or linked to the prohibition of a specified action

## 2. LEGAL BASIS

- 2.1 This Deed is made pursuant to Section 106 of the Act and, to the extent that it does not contain planning obligations, under Section 111 of the Local Government Act 1972, Section 1 of the Localism Act 2011, and all other enabling powers.
- 2.2 The covenants and obligations contained in this Deed create planning obligations for the purposes of section 106 of the Act enforceable by the Council and relate to the Site.
- 2.3 The covenants and obligations given on the part of the Owner are entered into with the intent that the same shall be enforceable by the Council without limit of

time not only against the Owner but also against its successors in title and assigns and any person corporate or otherwise claiming through or under the Owner a freehold or leasehold or other such interest or estate created hereafter in the Site or any part or parts thereof as if that person had also been an original covenanting party in respect of such of the covenants and undertakings which relate to the freehold or leasehold or other such interest or estate for the time being held by that person in the Site (or part thereof).

- 2.4 Covenants given by more than one party can be enforced against them individually or jointly.
- 2.5 A reference to an Act of Parliament includes any later modification or re-enactment, including any statutory instruments made under that Act, and reference to a gender or person includes all genders or classes of person.
- 2.6 Any covenant in this Deed not to do something includes an obligation not to allow or permit it to be done.
- 2.7 References to any party to this Deed shall include successors in title to that party and to any person deriving title through or under that party and in the case of the Council, the successors to their respective statutory functions.
- 2.8 Representatives of the Council may enter the Site at any reasonable time to ascertain whether the terms of this Deed are being or have been complied with provided that:  
they adhere to all reasonable health and safety requirements.

### **3. CONDITIONALITY**

This Deed is conditional upon:

- 3.1 The grant of the Permission; and
- 3.2 The Commencement of Development.

Save for the provisions of this clause and clauses 5.1, 5.2, 5.3, 5.4, 5.5, 5.7, 5.8, 5.9, 5.10, 5.11, 5.13, 5.14, 6, 7, 8 and 9 which shall come into effect immediately on completion of this Deed.

### **4 COVENANTS**

- 4.1 The Owner covenants with the Council for himself and his successors in title to the Site to observe and perform the obligations and stipulations contained in this Deed.
- 4.2 The Council covenant with the Owner to comply with their respective requirements contained in this Deed.

## **5. OTHER PROVISIONS**

- 5.1 No person will be liable for any breach of this Deed if he no longer has an interest in the Site or such part of the Site to which the breach relates (unless the breach occurred before he disposed of his interest).
- 5.2 The Owner confirms that he is the owner of the Site with full power to enter into this Deed and that there is no person or body with an interest in the Site whose consent is necessary to make this Deed binding on all interests in the Site.
- 5.3 The covenants, restrictions and requirements contained in this Deed shall not be enforceable against:
  - 5.3.1 any statutory undertaker or other person who acquires any part of the Site or an interest in it for the purposes of the supply of electricity gas water telecommunications or highways in connection with the Development of the Site.
- 5.4 On completion the Owner will pay the Council's reasonable legal costs in connection with this Deed.
- 5.5 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.
- 5.6 If any provision of this Deed is held to be invalid, illegal or unenforceable it will not affect the remaining provisions.
- 5.7 No waiver, express or implied, by the Council of any breach or failure to perform or observe any of the covenants, terms or conditions of this Deed constitutes a continuing waiver, nor prevents the Council from enforcing any of the provisions in this Deed.
- 5.8 If the Permission is quashed revoked or expires before Commencement then, save for clause 5.4 , this Deed will cease to have effect (insofar only as it has not already been complied with).
- 5.9 Nothing in this deed prohibits or limits the right to develop any part of the Site in



accordance with a planning permission (other than the Permission) granted after the date of this Deed.

- 5.10 The Council will register this Deed as a local land charge in the Council's register of Local Land Charges in relation to the Application Site and the Existing Site
- 5.11 Following the performance and satisfaction of all the obligations contained in this Deed the Council will, upon the written request of the Owner, cancel all relevant entries contained in the Register of Local Land Charges.
- 5.12 An agreement, approval, consent or expression of satisfaction required by the Owner from the Council under the terms of this deed must be given in writing and shall not be unreasonably withheld or delayed.
- 5.13 The provisions of this Deed (other than this clause which takes immediate effect) will be of no effect until this deed has been dated.
- 5.14 Nothing contained or implied in this Deed will fetter, prejudice or affect the rights, discretions, powers, duties and obligations of the Council in the exercise of any of its functions as local authority.

## **6. DISPUTES**

- 6.1 If any dispute is not resolved between the Parties, any of the Parties may refer it for determination by an expert. The expert will be appointed by agreement between the parties or, in default of agreement, by the President for the time being of the Royal Institution of Chartered Surveyors and the expert's decision shall be final and binding (save in the case of manifest error).
- 6.2 The expert is to be replaced by a fresh appointee in the event that he becomes at any time unable or unwilling for any reason to proceed to discharge his functions. The fresh appointee is to be appointed in the manner prescribed in this clause.
- 6.3 The expert is to make his decision as soon as reasonably possible.
- 6.4 The costs of appointing the expert are to be shared equally by the parties to the dispute except where the expert takes the view that one party has acted unreasonably. In that case the expert has binding discretion as to apportionment of the costs.
- 6.5 Nothing in this clause will apply to the recovery of liquidated sums or prevent the parties from commencing or continuing court proceedings.

## **7. NOTIFICATIONS**

- 7.1 Any notice or written communication given under this Deed is validly given if hand delivered or sent by recorded delivery post to the address set out at the beginning of this Deed, unless written notification of another address has been received.
- 7.2 The Owner will notify the Nominated Officer in writing of the relevant
  - 7.2.1 anticipated Triggers seven days in advance of each anticipated date,
  - 7.2.2 actual Triggers within seven days of each actual date.
- 7.3 If the Owner disposes of his interest in all or part of the Site he will:
  - 7.3.1 Prior to disposing of his interest in all or part of the Site, notify his successors in title and assigns of the existence of this Deed and the restrictive covenants contained therein relating to the Site
  - 7.3.2 notify the Nominated Officer within 7 days of the name and address of the new owner and sufficient details to identify the Site or part of the Site.
  - 7.3.3 notify the Nominated Officer within 7 days that he has made formal notification in accordance with clause 7.3.1 above

## **8. COUNTERPART**

This agreement may be executed in any number of counterparts, each of which shall constitute a duplicate original, but all the counterparts shall together constitute the one agreement.

## **9. JURISDICTION**

This Deed is governed by and interpreted in accordance with the law of England and Wales.



**Schedule 1**

**Plan 1**

**Plan 2**

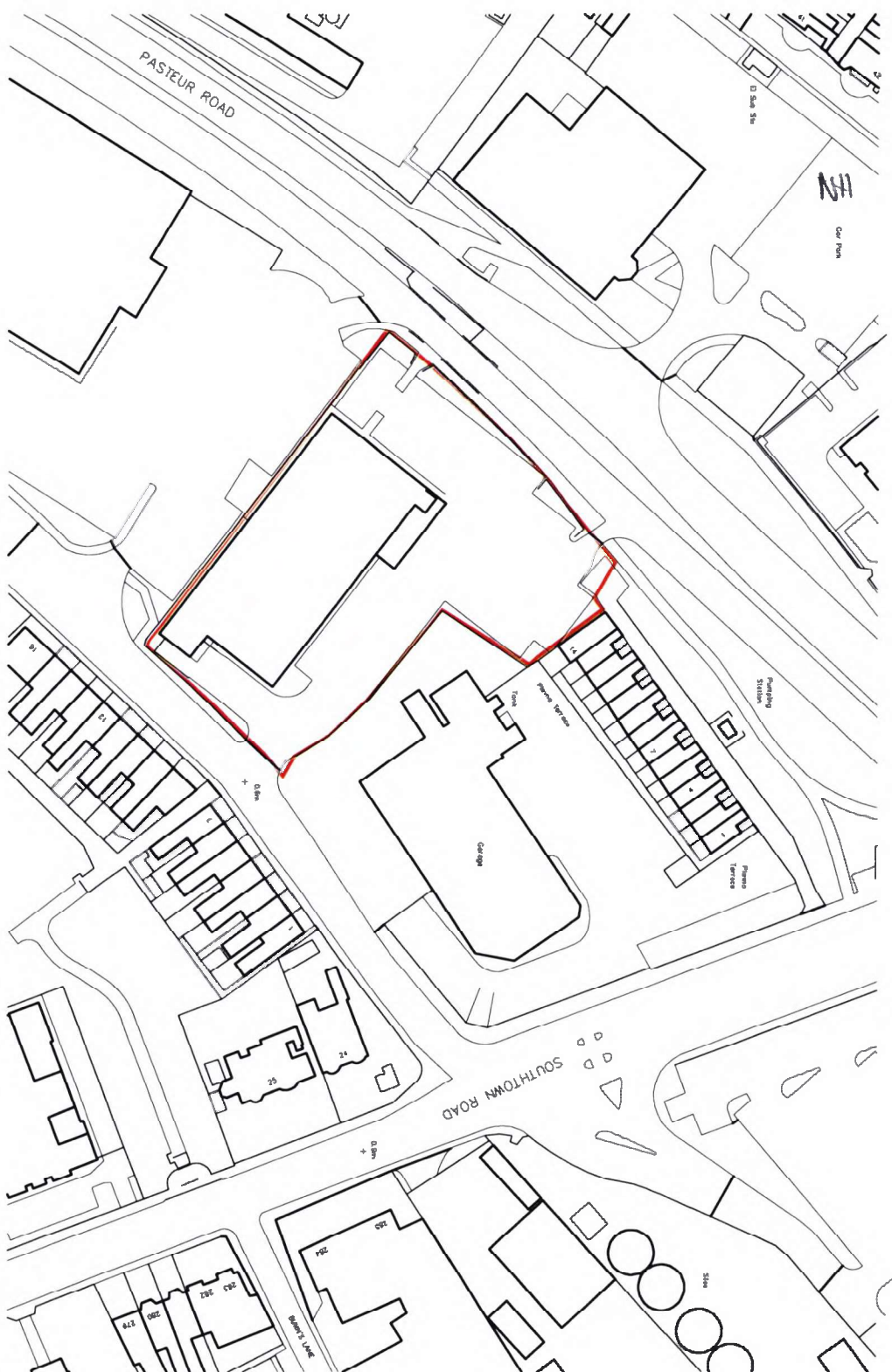
## NA



**Subject To Survey**  
Presented at the 21st Symposium on Safety and  
Health with Emphasis on the Control of  
Accidents, 2-5 February 1986, at Nagano, Gifu  
Prefecture, Nagano Prefecture, Japan  
English, 127 p, 1 CD  
Lecturers: Nagano Prefecture

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**Project**  
**Existing Store**  
**Pasteur Road**  
**Great Yarmouth**

drawing  
Location Plan

sec'd	date	drawn	checked
1:500@A3	Feb 23	RM	
drawing no.		revision	
7723L-30			

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[www.jforchitects.co.uk](http://www.jforchitects.co.uk)



## Schedule 2

In this Schedule (and elsewhere in this Deed where the context permits) the following words and phrases shall have the following meaning:

Class E(a) Uses	Means for the display or retail sale of goods, other than hot food, principally to visiting members of the public, as described by Schedule 2 Article 3 Part A of the Town and Country Planning (Use Classes) Order 1987 (as amended) and any subsequent variation or modification thereof
First Permission	Means the planning permission granted by the Council under reference 06/04/0317/F dated 24 January 2005, as varied by permission ref 06/15/0277/F dated 13 August 2015 granted under s73 of the Act.

The Owner covenants with the Council:

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.
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.
4. The parties hereto acknowledge that the covenants contained in this Deed shall not give rise to any right to compensation whatsoever and the Owner covenants not to pursue any such claim.

**APPENDIX 5 –**

**LPA'S DRAFT PLANNING CONDITIONS DATED 04 AUGUST 2023**

06/22/0008/F - Thamesfield Way, Lidl Foodstore

DRAFT PLANNING PERMISSION CONDITIONS

UPDATE 04 August 2023

1 Standard time limit

The development must be begun not later than three years beginning with the date of this permission.

The reason for the condition is :-

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Plans to be followed

The development hereby approved shall be carried out in strict accordance with the following plans and details submitted to the Local Planning Authority:

Drawings and plans –

7723L-19 Location Plan;  
7723L-20 Rev G Proposed Site Plan;  
7723L-21 Existing Site Plan;  
7723L-22 Rev C Proposed Floor Plan;  
7723L-23 Rev A Elevations (with Bat Shelter and Nest Box comments);  
7723L-24 Rev A Proposed Roof Plan;  
7723L-25 Existing Elevations;  
21-108-01 Tree Survey & Constraints Plan;  
21-108-02 Rev D Detailed Landscape Proposals;  
21-108-03 Rev B Tree Protection Plan;  
DWG 00 Rev 2 LiAS Design Notes & Luminaire Schedule;  
DWG 01 Rev 2 Proposed Lighting Layout;  
DWG005 Proposed Site Access;  
DWG 16-2038-401 Rev P2 Drainage Arrangement Sheet 1 of 2;  
DWG 16-2038-401 Rev P2 Drainage Arrangement Sheet 2 of 2;  
DWG 16-2044-300 Rev P2 Section 278 – Proposed General Arrangement and Access Construction;  
DWG 16-2044-301 Rev P2 Section 278 – Contours and Flow Arrows;  
DWG 16-2044-302 Rev P2 Section 278 – Site Clearance;  
DWG 16-2044-303 Rev P2 Section 278 – Signs and Road Markings;  
DWG EDS07-0102.01 Version E Unit/Package Substation with Standard Plinth Design & GRP Enclosure Sheet 1 of 3;  
DWG EDS07-0102.01 Version D Earthing Arrangement for Unit / Package Substation with Standard Plinth Detail & GRP Enclosure Sheet 2 of 3;  
DWG EDS07-0102.01 Version A Small Power & Lighting Layout Sheet 3 of 3; and,

Supporting documents –

Air Quality Assessment Project No. 444605-01(00) prepared by RSK dated 3 November 2021;  
Emergency Flood Response Plan T004 Issue 1 prepared by Cora IHT dated 26 April 2022;  
Flood Risk Assessment 16-2044-T003 Issue 7 prepared by Cora IHT dated 11<sup>th</sup> March 2023;



Letter from Paul Palgrave (Geo Investigations) to Joe Caunt (Lidl Great Britain Limited) dated 25 November 2021 re: Proposed Lidl, Thamesfield Way, Great Yarmouth - Report on Soakaway Testing;  
Noise Impact Assessment ref. 9219/FD prepared by Acoustic Consultants Ltd dated 16 December 2021;  
Phase I & II Geo-Environmental Assessment ref. UK215309b Issue 1 prepared by EPS dated 13 May 2021;  
Planning and Retail Statement prepared by Rapleys LLP dated January 2022;  
Preliminary Ecological Appraisal (PEA) Survey Report ref. SQ-309 prepared by Estrada Ecology Ltd dated 25 August 2021;  
Transport Assessment T001 Issue 2 prepared by Cora IHT dated 17 December 2021;  
Travel Plan T001 Issue 2 prepared by Cora IHT dated 17 December 2021.

The reason for the condition is :-

For the avoidance of doubt, and in the interests of proper planning.

3 Foodstore use only and no other Class E uses

Notwithstanding the provisions of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any subsequent order revoking and re-enacting that order with or without modifications), the commercial unit hereby permitted shall be used only for activities and the purposes of retail and therein only as a predominantly foodstore retail unit (notwithstanding the range of retailing activity uses which fall within the range of uses covered by Use Class E(a) [a use for the display or retail sale of goods, other than hot food, principally to visiting members of the public] of the Town and Country Planning (Use Classes) Order 1987 (as amended)) and shall not be used for any other use or purpose without first gaining the express written permission of the Local Planning Authority obtained pursuant to the submission of a valid planning application.

See also Conditions 4-7 of this permission.

The reason for the condition is :-

The development hereby permitted provides a substantial area of new retail floorspace in a location not ordinarily supported by adopted planning policies because of the potential conflict with established local, district and town centre designations, and the removal of land in a designated employment area, but has been justified on the basis of being able to minimise the potential impacts by virtue of being a replacement for an existing foodstore in the vicinity, with the associated impacts assessed and considered on this basis only; if the use of the development were to change to other forms of retailing such as a non-foodstore retail use, or other main town centre uses, the development could give rise to impacts not previously assessed and not necessarily without detriment to the town centre or other sequentially-preferable defined centres. As such, the restriction is necessary to ensure that the Council retains control over the quality, extent and range of impacts and provision of any change of use, in accordance with policies CS1, CS2, CS6 and CS7 of the adopted Great Yarmouth Core Strategy (2015), and policies R1 and UCS7 of the adopted Great Yarmouth Local Plan Part 2 (2021).

4 Floorspace to be limited to maximum of 1411 sq m sales area

The development hereby permitted shall provide no more than a maximum of 1,411 sqm (square metres) to be used as a retail floorspace sales area at any time. This area shall not be exceeded without first gaining the express written permission of the Local Planning Authority obtained pursuant to the submission of a valid planning application.

See also Conditions 3, 5-7 of this permission.

The reason for the condition is :-

The development hereby permitted provides a substantial area of new retail floorspace in a location not ordinarily supported by adopted planning policies, but is acceptable by virtue of being a replacement for an existing foodstore in the vicinity, with the associated retailing, social, economic and highways impacts assessed and considered on this basis of a proposing 1,411 sqm sales area within the application. The restriction is imposed in order to define the permission and ensure the development operates as proposed and as assessed, and to ensure the satisfactory functioning of the development in accordance with policies CS1, CS2, CS6, CS7 and CS16 of the adopted Great Yarmouth Core Strategy (2015), and policies R1, USC7 and I1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

- 5 Maximum 1129sqm floorspace for convenience goods and max 282sqm for comparison goods

The development hereby permitted shall provide:

- no more than a maximum of 1,129 sqm (square metres) of the permitted retail floorspace sales area to be used for convenience good retailing; and,
- no more than a maximum of 282 sqm (square metres) of the permitted retail floorspace sales area to be used for comparison good retailing, at any time.

This limitation shall not be exceeded without first gaining the express written permission of the Local Planning Authority obtained pursuant to the submission of a valid planning application.

See also Conditions 3-4, 6-7 of this permission.

The reason for the condition is :-

The development hereby permitted provides a substantial area of new retail floorspace in a location not ordinarily supported by adopted planning policies, but is acceptable by virtue of being a replacement for an existing foodstore in the vicinity, with the associated retailing, social, economic and highways impacts assessed and considered on this basis of a proposing this particular mix of retail floorspace sales area within the application. The restriction is imposed in order to define the permission and ensure the development operates as proposed and as assessed, to ensure the satisfactory functioning of the development, in the interests of highways safety, and to safeguard the vitality and viability of nearby town and local centres in accordance with policies CS6, CS7 and CS16 of the adopted Great Yarmouth Core Strategy (2015), and policies R1, USC7 and I1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

- 6 No subdivision of the building into smaller premises

The commercial unit foodstore hereby permitted shall only be operated as a single commercial premises and shall not at any time be subdivided into smaller commercial units or premises. This restriction shall apply notwithstanding extent of operational development required for such subdivisions nor the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any subsequent order revoking and re-enacting that Order with or without modifications).

See also Conditions 3-6,7 of this permission.

The reason for the condition is :-



The development hereby permitted provides a substantial area of new retail floorspace in a location not ordinarily supported by adopted planning policies, but is acceptable by virtue of being a replacement for an existing foodstore in the vicinity, with the associated retailing, social, economic and highways impacts assessed and considered on the basis of a proposing the particular format of retail operations as presented within the application. The restriction is imposed in order to define the permission and ensure the development operates as proposed and as assessed, to ensure the satisfactory functioning of the development, in the interests of highways safety, and to safeguard the vitality and viability of nearby town and local centres in accordance with policies CS1, CS2, CS6, CS7 and CS16 of the adopted Great Yarmouth Core Strategy (2015), and policies R1, USC7 and I1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

7 No extensions to the building by permitted development

Notwithstanding the provisions of Schedule 2 Part 7 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any subsequent order revoking and re-enacting that Order with or without modifications), the commercial unit hereby permitted shall not be extended or altered at any time without first gaining the express written permission of the Local Planning Authority obtained pursuant to the submission of a valid planning application.

The reason for the condition is :-

The development hereby permitted provides a substantial area of new retail floorspace in a location not ordinarily supported by adopted planning policies, but is acceptable by virtue of being a replacement for an existing foodstore in the vicinity, with the associated retailing, social, economic and highways impacts assessed and considered on the basis of the floorspace and size of the development as proposed. The restriction is imposed in order to define the permission and ensure the development operates as proposed and as assessed, to ensure the satisfactory functioning of the development, in the interests of highways safety, and to safeguard the vitality and viability of nearby town and local centres in accordance with policies CS1, CS2, CS6, CS7 and CS16 of the adopted Great Yarmouth Core Strategy (2015), and policies R1, USC7 and I1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

8 Prior to commencement – agree highways works and provide them

Part (A)

There shall be no commencement of the development hereby permitted, including demolition of existing buildings, until a detailed Scheme for providing appropriate off-site highway improvement works has first been submitted to and approved in writing by the Local Planning Authority.

Part (B)

There shall be no construction of the development hereby permitted beyond slab / DPC / foundations level until suitable evidence has first been submitted to and approved in writing by the Local Planning Authority to demonstrate that the applicant has applied for and promoted a Section 278 agreement with the Local Highways Authority to ensure the off-site highways works will be undertaken in accordance with the detailed Scheme required by Part (A) of this condition.

The reason for the condition is :-

To ensure that the highway network is adequate to cater for the development proposed in the interests of highways safety. This is a pre-commencement condition to ensure that a safe and

suitable access is available for traffic associated with the construction of the development, in accordance with policies CS16 of the adopted Great Yarmouth Core Strategy (2015) and R1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

9 Highways – providing the off-site works

The development hereby permitted shall not be brought into first use as a foodstore until the off-site highway improvement works (including any Public Rights of Way works) required by Condition 8 of this permission have first been completed and made available for use in strict accordance with the detailed plans approved under Condition 8 of this permission.

The reason for the condition is :-

To ensure that the highway network is adequate to cater for the development proposed in the interests of highways safety and ensure that a safe and suitable access is available for the development, in accordance with policies CS16 of the adopted Great Yarmouth Core Strategy (2015) and R1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

10 Highways – On-site construction worker parking

There shall be no commencement of the development hereby permitted, including demolition of existing buildings, until the details of a Scheme for providing on-site construction worker parking for the duration of the construction period of the development have first been submitted to and approved in writing by the Local Planning Authority. The Scheme shall thereafter be implemented and retained in accordance with the approved details, for the duration of the construction period.

The reason for the condition is :-

To ensure adequate off-street parking is provided during construction in the interests of highways safety. This is a pre-commencement condition to ensure that a safe and suitable parking arrangement is provided for the construction of the development, in accordance with policies CS16 of the adopted Great Yarmouth Core Strategy (2015) and R1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

11 Highways – Construction Traffic Management Plan

There shall be no commencement of the development hereby permitted, including demolition of existing buildings, until the details of a Construction and Demolition Traffic Management Plan to be used for the duration of the demolition and construction period of the development and which shall include details of providing wheel washing facilities within the site, have first been submitted to and approved in writing by the Local Planning Authority. The Plan shall thereafter be implemented and retained in accordance with the approved details, for the duration of the demolition and construction period.

The reason for the condition is :-

To ensure adequate off-street parking is provided during the redevelopment of the site in the interests of highways safety and the efficient and safe operation of the highway network. This is a pre-commencement condition to ensure that a safe and suitable parking arrangement is provided for the construction of the development, in accordance with policies CS16 of the adopted Great Yarmouth Core Strategy (2015) and R1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

12 Highways - Visibility splays

The development hereby permitted shall not be brought into first use as a foodstore until visibility splays have first been provided in full accordance with the details indicated on drawing number DWG-005 Proposed Site Access. The splays shall thereafter be retained and maintained at all times free from any obstruction exceeding 0.225m above the level of the adjacent highway carriageway.

The reason for the condition is :-

In the interests of highways safety and the efficient and safe operation of the highway network, including during construction, in accordance with policies CS16 of the adopted Great Yarmouth Core Strategy (2015) and R1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

13 Contamination investigations and revised risk assessment based on extra surveys

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until the detailed results of a further site investigation for contamination at the site (to be undertaken in accordance with BS1075:2011+A1:2013 and LCRM) has first been submitted to and approved in writing by the Local Planning Authority. The site investigation report shall be accompanied by a revised conceptual Risk Assessment model amended in light of the results of the additional investigation.

The site investigation shall include the areas of the site which were considered to be previously inaccessible ground when prior investigations were undertaken as detailed in the submitted Phase I & II Geo-Environmental Assessment report dated 13 May 2021, and shall be based upon the recommendations presented within Section 7.4 of the same report, including:

(a) The investigation shall be undertaken to include assessment of the physical extent and nature of the thickened concrete surfacing in the eastern area of the site, which should be established through the drilling of a series of boreholes by rotary methods. Subsequent to this, the lateral extent and severity of fuel impacts underlying concrete surfacing in the south-eastern area of the site should be established through the drilling of further shallow boreholes in recognition that there may well be overlap between the area of possible fuel impact and areas of thickened concrete meaning a combined approach to risk assessment and mitigation is required.

(b) The investigation should also include an assessment of ground water presence and quality and an assessment of the potential risks to groundwater resources, undertaken through a controlled waters risk assessment and subsequent presentation of remedial options appraisal and sustainability assessment.

(c) The site conceptual model shall be amended based on the findings of the intrusive site investigation and the risks to identified receptors updated. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates from on the site.

The findings of the site investigation and proposed remedial options shall be submitted to the Local Planning Authority for approval in writing prior to any remedial works commencing and any development works commencing.

The reason for the condition is :-

In the interests of ensuring the land contamination present and the risks to groundwaters and end users are understood, and in the interests of maintaining local amenity, in accordance with policies CS1 of the adopted Great Yarmouth Core Strategy (2015) and E6 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

14 Contamination foundations risk assessment and mitigation strategy

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until a detailed Foundations Works Risk Assessment and proposed Foundations Design Strategy have first been submitted to and approved in writing by the Local Planning Authority.

The risk assessment shall include the detail risks to controlled and ground waters and shall be used to inform the piling and ground works strategy required for the development. The Strategy shall detail the proposed foundations or piling methods and include mitigation to prevent groundwater contamination as required, and shall include any associated monitoring requirements as appropriate.

The development shall thereafter be constructed in strict accordance with the details as approved, including the mitigation and monitoring thereof.

The reason for the condition is :-

In the interests of ensuring the land contamination risks at the site are addressed and remediated in the interests of maintaining local amenity and environmental assets, and the safety of workers, neighbours and other offsite receptors, in accordance with policies CS1 of the adopted Great Yarmouth Core Strategy (2015) and E6 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

15 Contamination ground gas risk assessment and mitigation strategy

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until a detailed assessment for the possible risks of ground gas presence at the site, and an appropriate ground gas remediation scheme and appropriate monitoring as necessary, has first been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be constructed in strict accordance with the details as approved, including the mitigation and monitoring thereof.

The reason for the condition is :-

In the interests of ensuring the land contamination risks at the site are addressed and remediated in the interests of maintaining local amenity and environmental assets, and the safety of workers, neighbours and other offsite receptors, in accordance with policies CS1 of the adopted Great Yarmouth Core Strategy (2015) and E6 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

16 Contamination revised remediation strategy

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until a detailed remediation scheme sufficient to bring the site to a condition suitable for the intended use has first been submitted to and approved in writing by the Local Planning Authority.

The remediation scheme shall be provided subsequent to the fulfilment of an agreed site investigation and revised contamination risk assessment in accordance with Condition 13 of this permission, the foundations proposals to be agreed under Condition 14 of this permission, and any mitigation required for ground gas presence to be agreed under Condition 15 of this permission. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must thereafter be carried out in strict accordance with the approved details prior to the commencement of construction works. The development shall not be brought into beneficial use until the remediation scheme has been completed successfully and demonstrated to be undertaken as such in accordance with the details of a contamination remediation verification and validation scheme.

The reason for the condition is :-

In the interests of ensuring the land contamination risks at the site are addressed and remediated in the interests of maintaining local amenity and environmental assets and the safety of workers, neighbours and other offsite receptors, in accordance with policies CS1 of the adopted Great Yarmouth Core Strategy (2015) and E6 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

#### 17 Contamination Remediation Verification and Validation Plan

There shall be no use of the development hereby permitted until the details of a Contamination Remediation Verification and Validation Plan have first been submitted to and approved in writing by the Local Planning Authority. The Plan shall include proposed means to confirm successful mitigation of the immediate contamination risks identified by Conditions 13-16 of this permission and shall propose long term monitoring of the identified risks with appropriate mitigation measures to be introduced as necessary.

The contamination measures shall thereafter be provided in strict accordance with the details as approved, including the mitigation and monitoring thereof, prior to the first use of the development as necessary.

The reason for the condition is :-

In the interests of ensuring the land contamination risks at the site are addressed and remediated in the interests of maintaining local amenity and environmental assets, and the safety of workers, neighbours and other offsite receptors, in accordance with policies CS1 of the adopted Great Yarmouth Core Strategy (2015) and E6 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

#### 18 Contamination Materials Management Plan

There shall be no commencement of the development hereby permitted, including demolition of existing buildings, until a detailed Contamination Materials Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in strict accordance with the details as approved, including the mitigation and monitoring thereof.

The reason for the condition is :-

In the interests of ensuring the land contamination risks at the site are addressed and remediated in the interests of maintaining local amenity and environmental assets, and the safety of workers, neighbours and other offsite receptors, in accordance with policies CS1 of the adopted Great Yarmouth Core Strategy (2015) and E6 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

#### 19 Unexpected contamination

If contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All development shall cease and shall not recommence until:

- 1) a report shall be submitted and agreed in writing by the Local Planning Authority which includes results of an investigation and risk assessment together with proposed remediation scheme to deal with the risk identified; and,
- 2) the agreed remediation scheme has been carried out and a validation report demonstrating its effectiveness has been approved in writing by the Local Planning Authority.

The reason for the condition is :-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policies CS1 of the adopted Great Yarmouth Core Strategy (2015) and E6 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

#### 20 Flood Resilience and Flood Risk Mitigation Measures

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until a Flood Resilience and Flood Risk Mitigation Measures Scheme has first been submitted to and approved in writing by the Local Planning Authority. The Scheme shall set out how the development will provide suitable protection and resilience during flood events, having regard to the recommendations and principles set out within the approved Flood Risk Assessment ref 16-2044 – T003 version 7, dated 11<sup>th</sup> March 2022, and the Technical Note [submitted] in response to the LLFA response (ref.: FW2022\_0856), dated 17 October 2022, and shall include confirmation of the final proposed site ground levels and finished floor levels. The development shall thereafter be constructed in strict accordance with the details as approved, and shall be retained as such thereafter.

The reason for the condition is :-

In the interests of minimising flood risk and improving the development capacity to respond to flood events, in accordance with policies CS12 and CS13 of the adopted Great Yarmouth Core Strategy (2015) and E1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

#### 21 Flood Emergency Response Plan

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until a Flood Emergency Response Plan has first been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of connecting the development to the Environment Agency's Flood Warning Direct Scheme, and other measures having regard to the recommendations and principles set out within the approved Flood Risk Assessment ref 16-2044 – T003 version 7 dated 11<sup>th</sup> March 2022, and the Emergency Flood Response Plan T004 Issue 1 dated 26 April 2022, and the Technical Note [submitted] in response to the LLFA response (ref.: FW2022\_0856), dated 17 October 2022. The details shall demonstrate the final proposed floor level of the internal mezzanine floor to act as a refuge area, of at least 2.09m AOD, to be shown in relation to the recognised flood risk depths and external ground floor levels, with appropriate climate change allowances. The flood event refuge area shall remain available for public access in the event of a flood emergency thereafter. The development shall be constructed in accordance with the mitigation measures as proposed and shall thereafter be operated in strict accordance with the details as approved.

The reason for the condition is :-

In the interests of minimising flood risk and improving the development capacity to respond to flood events, in accordance with policies CS12 and CS13 of the adopted Great Yarmouth Core Strategy (2015) and E1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

22 Drainage scheme to be followed as proposed in Revision 7 version

The development hereby permitted shall be constructed in strict accordance with the following drainage scheme proposals as submitted:

- Flood Risk Assessment and Drainage Strategy (document ref: Flood Risk Assessment Version 7 ref: 16-2022 T-003 dated 11<sup>th</sup> March 2022; and,
- Technical Note in response to the LLFA response (ref.: FW2022\_0856), dated 17 October 2022;

and the following drawings which supersede those plans included in the Flood Risk Assessment:

- drawing 16-2038-401-P2: Proposed Drainage Arrangement Sheet 1 of 2; and,
- drawing 16-2038-401-P2: Proposed Drainage Arrangement Sheet 2 of 2.

The approved scheme will be implemented in full prior to the first use of the development.

The reason for the condition is :-

In the interests of minimising flood risk and ensuring suitable sustainable drainage solutions are provided for the development, in accordance with policies CS12 and CS13 of the adopted Great Yarmouth Core Strategy (2015) and E1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

23 Drainage scheme outflow connection

There shall be no use or occupation of the development hereby permitted until the site's drainage strategy has first been connected to the required drainage outflow points within the privately maintained riparian watercourse as shown on the approved Internal Drainage Board Consent ref.22\_07549\_C dated 19 June 2023. The appropriate preparations shall be made prior to connection, noting the Internal Drainage Board's advice that vegetation clearance will be required first.

The reason for the condition is :-

To ensure there is sufficient drainage capacity to address the surface water run off requirements of the development without causing additional surface water flooding risk to adjoining land and natural ecosystems, in accordance with policies CS11, CS12 and CS13 of the adopted Great Yarmouth Core Strategy (2015), and E1 and E6 of the adopted Great Yarmouth Local Plan Part 2 (2021).

24 Drainage scheme maintenance schedule

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until a Drainage Maintenance Schedule Scheme has first been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented on first use of the development which shall thereafter be operated in strict accordance with the details as approved.

The reason for the condition is :-

In the interests of maintaining the continued operation of the development's drainage scheme and minimising flood risk and ensuring suitable sustainable drainage solutions are provided for the development, in accordance with policies CS12 and CS13 of the adopted Great Yarmouth Core Strategy (2015) and E1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

25 Foul drainage scheme

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until the details of a Foul Drainage Scheme have first been submitted to and approved in writing by the Local Planning Authority. The details shall be completed and implemented prior to the first use of the development and shall thereafter be operated in strict accordance with the details as approved.

The reason for the condition is :-

In the interests of minimising flood risk and ensuring suitable drainage solutions are provided, in accordance with policies CS12 and CS13 of the adopted Great Yarmouth Core Strategy (2015) and I3 of the adopted Great Yarmouth Local Plan Part 2 (2021).

26 Fire hydrant details

With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until the details of proposed Fire Hydrants provision have first been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the details as approved which shall be provided prior to the first use of the development and retained as such thereafter.

The reason for the condition is :-

In the interests of ensuring appropriate utilities are provided and maintaining public amenity, in accordance with policies CS14 of the adopted Great Yarmouth Core Strategy (2015) and GSP8 of the adopted Great Yarmouth Local Plan Part 2 (2021).



## 27 Materials and finishes

There shall be no commencement of construction beyond foundation / damp proof course / slab level of the development hereby permitted until the details of proposed materials and finishes to be used in the external walls, roofs and fenestration of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in strict accordance with the details as approved.

The reason for the condition is :-

In the interests of the visual amenity of the area, in accordance with policy CS9 of the adopted Great Yarmouth Core Strategy (2015).

## 28 Landscaping scheme and planting schedule

Part (a) –

There shall be no commencement of construction beyond foundation / damp proof course / slab level of the development hereby permitted until full details of a proposed Landscaping Scheme have first been submitted to and approved in writing by the Local Planning Authority.

The proposed Landscaping Scheme shall include details of:

- (i) all hard landscaping materials, appearance and locations;
- (ii) all soft landscaping and planting;
- (iii) a planting plan including planting schedule for all species, quantities and locations;
- (iv) details of all other features, street furniture, apparatus, lighting and associated facilities to be provided within the curtilage of the foodstore and car park hereby permitted;
- (v) relationship with provision of drainage attenuation features, including details of any screening or safety barriers to be used around the attenuation pond;
- (vi) at least nine (9 no.) trees of a suitable standard to ensure presence and rapid establishment with associated details of growing mediums;
- (vii) details of appropriate screening to be provided around the proposed electrical substation;
- (viii) details to demonstrate how proposed boundary hedging can ensure cars parked within the site will be shielded from view;
- (ix) details of all trees and plants required to be removed, and suitable replacement planting for those trees being removed where necessary, with associated details of growing mediums; and,
- (x) A Maintenance and Management Schedule and regime for all areas of landscaping and planting.

Part (b) –

With the exception of the planting and soft landscaping, all the features of the Landscaping Scheme shall be provided and made available for use in accordance with the approved details, prior to the first use of the development hereby permitted, and shall be retained and maintained as such thereafter in full accordance with the details of the approved Maintenance and Management Schedule.

Part (c) –

All the soft-landscaping and planting within the approved Landscaping Scheme shall be undertaken and provided no later than the first planting season following the first use of the

development hereby permitted, and shall be retained and maintained as such thereafter in full accordance with the details of the approved Maintenance and Management Schedule.

The reason for the condition is :-

In the interests of the visual amenities of the locality, biodiversity enhancement, resilience against climate change, and to provide a high standard of design, in accordance with policies CS1, CS9 and CS11 of the Great Yarmouth Core Strategy (2015) and policy E4 of the Great Yarmouth Local Plan Part 2 (2021).

**29 Existing tree, shrub & hedgerow protection**

No tree, shrub or hedgerow which is indicated to be retained on the approved Tree Protection Plan (ref 21-108-03 Rev B) or the Landscaping Scheme to be approved under Condition 28 of this permission, shall be topped, lopped, uprooted, felled or in any other way destroyed, within ten years of the date of the first use of the building hereby approved, other than if such works are required in accordance with the approved Landscaping Scheme details.

A retained tree, shrub, or hedgerow, means an existing tree, shrub or hedgerow which is to be retained in accordance with the approved plans and particulars.

The reason for the condition is:-

To protect and enhance the visual amenities of the area and on-site biodiversity, in accordance with the requirements of Policies CS09 and CS11 of the adopted Great Yarmouth Core Strategy (2015) and Policy E4 of the adopted Great Yarmouth Local Plan Part 2 (2021).

**30 Landscaping and Planting Scheme ongoing protection**

Any tree, shrub or hedgerow forming part of the approved Landscape Scheme which dies, is removed or become seriously damaged or diseased, within a period of ten years from the date of planting, shall be replaced with another of a similar size and species as that originally planted, and in the same place, during the next planting season immediately following its removal.

The reason for the condition is:-

To protect and enhance the visual amenities of the area and on-site biodiversity, in accordance with the requirements of Policies CS09 and CS11 of the adopted Great Yarmouth Core Strategy (2015) and Policy E4 of the adopted Great Yarmouth Local Plan Part 2 (2021).

**31 Screening and colour of electrical substation**

There shall be no use of the development for the purposes hereby permitted until the proposed electrical substation facility has first been built in or painted a green / olive green colour on all external walls, and screened from view with appropriate landscaping installed in the positions shown on the Landscaping Scheme to be approved under Condition 28 of this permission. The substation shall thereafter be maintained as a green colour and with appropriate landscaping screening.

The reason for the condition is:-

To protect and enhance the visual amenities of the area and in the interests of good design, in accordance with the requirements of Policies CS09 and CS11 of the adopted Great Yarmouth Core Strategy (2015) and Policy E4 of the adopted Great Yarmouth Local Plan Part 2 (2021).

**32 Biodiversity and Ecology Enhancement Plan**

There shall be no construction of the development hereby permitted beyond foundation / slab / damp proof course levels until a detailed scheme for a Biodiversity and Ecology Enhancement Plan has first been submitted to and approved in writing by the Local Planning Authority.

The details of the Plan shall include proposed ecological enhancement features including proposed installation of bird and bat boxes on the building and within the grounds.

The development shall thereafter be undertaken in strict accordance with the approved details which shall be provided and made available for use prior to the first use of the development for the purposes hereby permitted. The features of the Plan shall be retained as such thereafter.

The reason for the condition is:-

For the enhancement of biodiversity and ecological assets, and in the interests of securing good design, in accordance with Policies CS09 and CS11 of the adopted Great Yarmouth Core Strategy (2015) and Policy E4 of the adopted Local Plan Part 2 (2021).

**33 Biodiversity and Ecology Enhancement Plan monitoring and provision**

There shall be no use of the development for the purposes hereby permitted until a "Statement of Good Ecological Practice" has first been signed by a competent ecologist upon completion and review of the wildlife enhancement features contained in the Biodiversity and Ecology Enhancement Plan required by Condition 32 of this permission. The Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development, sufficient to confirm that the specified enhancement measures contained within the Plan have been implemented in accordance with good practice.

The reason for the condition is:-

In order to safeguard the ecological interests of the site in accordance with Policy CS11 of the adopted Great Yarmouth Core Strategy (2015) and the principles of the National Planning Policy Framework (2021).

**34 Provision of EV Charging facilities**

There shall be no use of the development for the purposes hereby permitted until the Electric Vehicle (EV) Charging facilities (both the bays and associated charging apparatus) have first been installed, provided and made available for public use in accordance with the approved plans as listed at Condition 2 of this permission.

The development shall provide two (2) rapid, eleven (11) active, and thirteen (13) passive EV charging bays in accordance with the layout and schedule.

The EV charging facilities shall thereafter be maintained as such and retained for public use thereafter, and every two years from the first use of the development, a minimum of one

passive space shall be converted into an active charging space until such time that all passive spaces are fully operational active spaces.

The reason for the condition is:-

In order to encourage the uptake of electric vehicles and minimise air pollution, increase the network of electric vehicle charging points and ease of access thereto for users of the development, and to promote travel to and from the site by means other than the combustion engine private car, and to ensure the development satisfies the necessary parking standards, in accordance with Policies CS1 and CS16 of the adopted Great Yarmouth Core Strategy (2015), policy I1 of the Local Plan Part 2 (2021), the Norfolk Local Transport Plan (2022), and the principles of the National Planning Policy Framework (2021).

**35 Parking, turning areas and cycle parking provision**

There shall be no use of the development for the purposes hereby permitted until the proposed access, on-site car and cycle parking, and turning/waiting areas have first been laid out, demarcated, levelled, surfaced and drained in accordance with the approved layout plan, and these shall be retained thereafter available for that specific use.

The reason for the condition is:-

To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policy CS16 of the adopted Great Yarmouth Core Strategy (2015), Policy I1 of the adopted Great Yarmouth Local Plan Part 2 (2021) and the principles of the National Planning Policy Framework (2021).

**36 External lighting and bat protection**

No external lighting shall be erected within the development site unless full details of its design, location, orientation and level of illumination and luminescence have first been submitted to and approved in writing by 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 specifications to be provided shall include appropriate mitigation to minimise the impacts on bats and disturbance to bat feeding corridors alongside and within the site. The lighting shall thereafter be implemented in strict accordance with the approved details and the mitigation measures included shall be installed prior to the use of the lighting and shall be retained as such thereafter.

The reason for the condition is:-

In order to safeguard visual and neighbouring amenity, the ecological interests of the site to improve the Borough's natural environment and to avoid any harmful impacts of development on its biodiversity, landscape assets, priority habitats and species in accordance with Policies CS09 and CS11 of the adopted Great Yarmouth Core Strategy (2015), policies A1 and E4 of the Local Plan Part 2 (2021) and the principles of the National Planning Policy Framework (2021).

**37 Solar panels to be provided**

There shall be no use of the development for the purposes hereby permitted until the solar panels shown in the approved drawings listed at Condition 2 of this permission have first been

installed, made operational and brought into use. The development shall thereafter retain and maintain the solar panels for the duration of the development.

The reason for the condition is:-

The provision of PV and solar panels was proposed as an additional benefit of the development, and contributed to the permission being granted contrary to various provisions of the adopted development plan, and so the condition is imposed to ensure the development includes these features, in accordance with policies CS1 and CS9 of the adopted Great Yarmouth Core Strategy (2015), and the principles of the National Planning Policy Framework (2021).

### 38 Tree Protection Measures to accord with the AIA

There shall be no commencement of the development hereby permitted, including demolition of existing buildings, until the tree protection measures as detailed in the approved Tree Protection Plan drawing no. 21-108-03 Rev B have first been installed, to include the protective fencing and Construction Exclusion Zone which shall be installed and demarcated in the locations shown in the submitted and approved Tree Protection Plan drawing no. 21-108-03 Rev B.

Notwithstanding the details of the Tree Protection Plan 21-108-03 Revision B, additional protective fencing shall be installed along the length of the application site perimeter to the west, north and north east boundaries, sufficient to prevent disturbance and harm to the areas of vegetation within the highways boundary adjoining the site.

All protective measures shall be installed in strict accordance with BS 5837 (2012) - Trees in Relation to Design, Demolition and Construction.

No fires, materials or debris storage, parking or other operations whatsoever shall be undertaken within the construction exclusion zone, and the protection measures shall be retained in situ for the duration of the development's construction period.

The reason for the condition is:-

To avoid any unnecessary loss of trees, harm or damage being caused to the wooded setting at the site during the construction process, and to ensure appropriate tree protection in the interests of protecting the visual amenity of the area, in accordance with Policy CS11 of the Great Yarmouth Core Strategy (2015) and Policy E4 of the adopted Great Yarmouth Local Plan Part 2 (2021).

### 39 Implementation of the Travel Plan

Upon the first use of the development for the purposes hereby permitted the approved Travel Plan ref T001 Issue 2 dated 17 December 2021 shall be implemented and the Travel Plan Measures shall be introduced and promoted as set out at Chapter 5 of the approved Travel Plan.

The Travel Plan shall thereafter be managed, issued and made available to all employees and staff within the development, and reviewed and updated to the timescales set out in the Travel

Plan, in full accordance with the measures proposed at Chapters 6 and 8 of the approved Travel Plan document, for the duration of the development.

The reason for the condition is:-

To ensure that the development supports sustainable modes of transport and to reduce the impact of travel and transport on the environment in accordance with Policies CS1 and CS2 of the adopted Great Yarmouth Core Strategy (2015) and the principles of the National Planning Policy Framework (2021).

40 Construction work hours

There shall be no undertaking of any demolition or construction work within the development site outside the hours of 0800 - 1800 Monday - Fridays and 0800 – 1300 on Saturdays.

No development shall be undertaken on Sundays, Bank Holidays or Public holidays.

The above restrictions shall apply only to works and all associated activities which are audible at the site boundary.

For the duration of the demolition and construction periods, the contact details including accessible phone numbers for persons responsible for the site works, shall be made available on public display at the development site entrance, for the duration of the works.

The reason for the condition is:-

To protect the amenity of neighbouring properties and land uses in accordance with Policies A1 and E6 of the Great Yarmouth Local Plan Part 2 (2021).

41 Hours of use of the foodstore

The development the subject of this permission shall not be made available for use by the public / shall not be open to customers at any time outside the following hours:

0800 hours to 2200 hours on Mondays to Saturdays,

and,

1000 hours to 1700 hours on Sundays and Bank Holidays or Public holidays.

The reason for the condition is:-

To protect the amenity of neighbouring properties and land uses, and to ensure the retail impacts of the development are consistent with those of the existing retail store which has been assessed to be replaced by the proposed development, in accordance with policies CS6, CS7 and CS9 of the adopted Great Yarmouth Core Strategy (2015), and policies UCS7, R1 and A1 of the Great Yarmouth Local Plan Part 2 (2021).

42 Hours of deliveries to the foodstore

No deliveries shall be taken at or dispatched from the site for the purposes of the development the subject of this permission outside the following hours:

0730 hours to 2230 hours on Mondays to Saturdays,

and,

0900 hours to 1800 hours on Sundays and Bank Holidays or Public holidays.

The reason for the condition is:-

To protect the amenity of neighbouring properties and land uses, and to ensure the possible highways impacts of the development are not focussed on the peak hours of use of the local highways network, and to provide a degree of consistency of approach with the permitted delivery hours of the existing retail store which has been assessed to be replaced by the proposed development so as to control the retail impacts of the development, in accordance with policies CS6, CS7, CS9 and CS16 of the adopted Great Yarmouth Core Strategy (2015), and policies UCS7, R1 and A1 of the Great Yarmouth Local Plan Part 2 (2021), and the principals of the NPPF.

#### INFORMATIVE NOTES: -

##### 1 INFORMATIVE NOTE: PLANNING OBLIGATIONS:

This permission is the subject of an associated Section 106 Agreement made under Section 106 of the Town and Country Planning Act (1990) as amended, to ensure appropriate planning obligations are fulfilled and to address planning policy and natural environment protection requirements. The planning obligations cover the terms of opening and operation of this development and an existing retail store on Pasteur Road currently operated by the applicant.

The Section 106 Agreement deed is dated 31 July 2023.

##### 2 Highways works to be subject to Section 278

#### INFORMATIVE NOTE: Highways works –

The applicant and developer are advised that the works to make the development acceptable in highways safety terms will require a Section 278 Highways Act Agreement (or similar). The proposals in the approved plans of the planning permission demonstrate that a suitable highway layout is achievable in principle. It does however appear that at the southeast extent, the proposed carriageway and footway alignment may need to be clarified to ensure it does not require land both outside the highway and the development red-line location plan for the Highway Authority to be assured the proposed scheme is buildable, with particular regard to the ability to provide visibility splays to the minimum distances shown on the approved layout plan.

The layout will as a minimum require dropped kerbs with tactile paving both at the pedestrian route across the access bellmouth and either side of the crossing refuge, and other details will require revision. The highway designs will, in line with standard process, require formal technical review including road safety audit, prior to NCC entering in to a S278 agreement to enable delivery of the works.

##### 3 Internal Drainage Board Advice

#### INFORMATIVE NOTE: Drainage works and consents –

The applicant and developer are advised that the site is within the Internal Drainage District (IDD) of the Waveney, Lower Yare and Lothingland Internal Drainage Board (IDB) ('the Board') and therefore the Board's Byelaws apply. For further information on the Board's area, the designation of watercourses as riparian or Board-Adopted, and the Board's Byelaws please contact the IDD. The adoption of a watercourse is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD and as such will normally receive maintenance from the IDB.

In order to avoid conflict between the planning process and the Board's regulatory regime and consenting process please be aware of the following:

- The IDD notes that the applicant intends to discharge surface water to a watercourse, with no other means of draining the site readily available or discussed. The proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy. (available at [https://www.wlma.org.uk/uploads/WMA\\_Table\\_of\\_Charges\\_and\\_Fees.pdf](https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf) ).
- The IDD notes the presence of multiple watercourses which have not been adopted by the Board (a riparian watercourse) within the site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents.

#### 4 Highways advice – works in the highway

INFORMATIVE NOTE: Works in the public highway –

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority.

This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the Applicants own expense.

The off-site works will be delivered by a Section 278 Agreement and the precise delivery mechanism will be determined as the works are brought forward. The applicant should be



aware that there may be additional costs relating to the off-site works which will include a commuted maintenance amount as well as various fees including administration and supervision. The completed works will be subject to a Safety Audit and additional works may be required.

Further information on the delivery of highway works can be found under Highways and Transport: Post-planning processes at the following link:

<https://www.norfolk.gov.uk/rubbish-recycling-and-planning/planning-applications/highway-guidance-for-development/publications>

## 5 Informatives – General notes:

### INFORMATIVE NOTES: -

(a) The applicant is advised that businesses require a Trade Waste contract to dispose of all waste associated with commercial activities as stated in the Environmental Protection Act 1990, Section 34.

(b) The applicant is strongly recommended to advise neighbouring businesses and residential occupiers of the proposals, including any periods of potentially significant disturbance e.g. demolition or piling, together with contact details in the event of problems.

(c) The site will potentially generate a significant amount of dust during the construction process; therefore, the following measures should be employed:

- An adequate supply of water shall be available for suppressing dust;
- Mechanical cutting equipment with integral dust suppression should be used;
- There shall be no burning of any materials on site, or burial of asbestos, which should instead be removed by an EA licenced waste carrier, and the waste transfer notes retained as evidence.

(d) The responsibility for the safe development and secure occupancy of the site rests with the developer. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination, or that the land could not be declared Contaminated Land in future.

(e) The applicant should ensure that adequate and suitable provision is made for the surface water drainage of the proposed development. Under no circumstances should the surface water be connected into the foul drainage system without the permission of Anglian Water. It should be noted that it is the applicant's/developer's responsibility to ensure adequate drainage of the site so as not to adversely affect surrounding land, property or the highway.

(f) If the developer wishes to connect to Anglian Water's sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. They will then advise of the most suitable point of connection. Contact Development Services Team 0345 606 6087.

(g) Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(h) Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(i) The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact their Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

(j) The preferred method of surface water disposal is to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

(k) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149.)

(l) The Bat Conservation Trust and The Institution of Lighting Professionals (ILP) have produced new guidance on bats and lighting which you are recommended to follow:  
<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

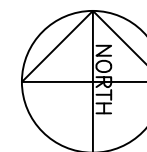
**APPENDIX 6 –**

**Site Location Plan 7723L-19**



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AND ALL DISCREPANCIES REFERRED TO THE ARCHITECT BEFORE  
WORK COMMENCES. ----- COPYRIGHT RESERVED

REV.	DATE	DESCRIPTION
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client  
**Lidl UK GmbH**

project  
**New Store  
Thamesfield Way  
Great Yarmouth**

drawing  
**Location Plan**

scale 1:500@A3    date Sept 21    drawn RM    checked

drawing no. 7723L-19    revision

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www.jrarchitects.co.uk



**APPENDIX 7 –**

**Site Layout Plan 7723L-20-Rev G**



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REV.

DATE

DESCRIPTION

• A

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28.10.62

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14.12.21

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26.05.22

03.02.23

07.02.23

NOTES AMENDED

FLOOR PLAN UPDATED TO LATEST SPEC

MEZZANINE STAIR ADDED

EV SPACES UPDATED

HIGHWAY WORKS, CYCLE ACCESS, PARKING LAYOUT UPDATED

ATTENUATION POND ADDED

HIGHWAYS DESIGN UPDATED

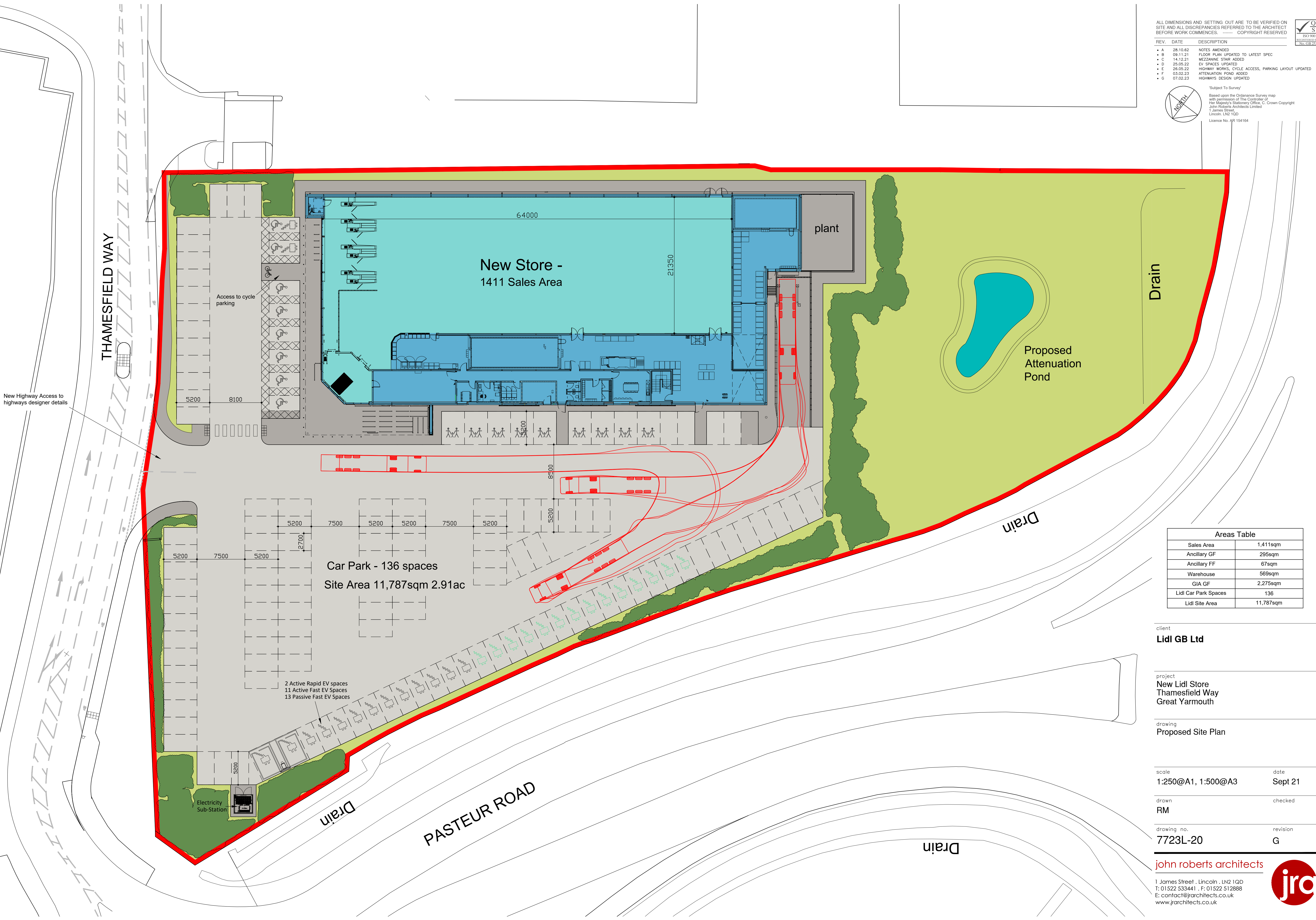
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010101  
REGISTERED FIRM  
No. 418 250

ISO 9001  
REGISTERED FIRM  
No. 418 250

Subject To Survey

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Areas Table	
Sales Area	1,411sqm
Ancillary GF	295sqm
Ancillary FF	67sqm
Warehouse	569sqm
GIA GF	2,275sqm
Lidl Car Park Spaces	136
Lidl Site Area	11,787sqm

client  
**Lidl GB Ltd**

project  
**New Lidl Store**  
**Thamesfield Way**  
**Great Yarmouth**

drawing  
**Proposed Site Plan**

scale  
**1:250@A1, 1:500@A3**

date  
**Sept 21**

drawn  
**RM**

checked

drawing no.  
**7723L-20**

revision  
**G**

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**APPENDIX 8 –**

**Landscape Scheme Proposals 21-108-02 Revision G**



PLANNING NOTES (SOFT LANDSCAPE):

- SOILS: Subgrade / subsoil to be prepared in accordance with BS 8001 and BS 4428 and scarified or ripped to 300mm depth prior to spreading topsoil to alleviate compaction and promote drainage. Imported and as saved topsoil to be in accordance with BS3882: 2015 'Multipurpose Grade' with minimum soil organic matter contents 1% greater than the minima value (or as approved). Imported topsoil (and 'as saved' if requested) is to be laboratory tested to BS3882: 2015 and ameliorated as required to meet the required characteristics as detailed within Table 1 of BS3882: 2015 specification. Grass areas to be a minimum depth of 150mm and Shrub beds 300mm depth. Any weed / grass growth to be sprayed out with appropriate herbicide at least 10 days prior to cultivation. Incorporate proprietary non-past compost to BS1PAS 100 to 50mm depth evenly worked into soil.
- N.B Proposed services (electric, water, gas etc) in landscape areas should be installed as a minimum below the required topsoil depths and clearly identified in accordance with service / utility requirements.
- BUILDING FOUNDATION DESIGN: All landscape proposals are to be referred to by the structural engineer during foundation design.
- PROPOSED PLANTING: Should planting be required outside of the planting season (October - March) any bare root or rootballed stock specified is to be replaced with containerised stock to an appropriate or similar specification to the approval of the landscape architect prior to ordering.
- EXISTING TREES: Where trees are to be retained they should be subject to a full arboricultural inspection to assess condition and safety. Retained trees shall be protected from damage by erection of 2.3m weldmesh fencing on a scaffold framework in accordance BS 5837:2012 Figure 2. These barriers shall be maintained in position and in good condition until works are complete. Fencing to be located in accordance with Table D.1 at a radius of 12 times the stem diameter (single stem trees) or based on the combined stem diameter for multi-stem trees (trees with more than one stem arising below 1.5m above ground level) refer to Clause 4.6. Further precautions are to be taken as detailed within BS 5837:2012 6.2.4.
- TREE SURGERY / REMOVAL: Tree surgery and tree removal to be carried out by an Arboricultural Association approved Tree surgeon in accordance with BS 3998:2010. Arisings to be removed to a licensed tip.
- TREE PLANTING: All trees to be in accordance with BS 3936 / 4043. Trees to be planted in accordance with BS 4428 and double staked (10-12cm - 14-16cm girth trees) or triple staked (16-18cm - 18-20cm girth trees) and tied in prepared pits. Tree pits in open field / uncompacted ground conditions to be 1000mm x 1000mm (at least 75mm greater than that of the root system) with pit depth to be based on the planting depth of the tree (distance from root flare to underside of rootball) in accordance with BS 8545. Topsoils and subsoils to be excavated and stored separately for reuse. Tree pit to be backfilled with stored subsoil and topsoil at depths to replicate the existing soil horizons. Topsoil to be mixed enriched with 40L of peat free tree planting compost. Root balls to be encircled by Root Rain Rain Metro or similar irrigation pipe. Well water after planting. The base of trees to be planted in grass areas are to be covered with 75mm amenity grade bark mulch such as Melcourt 'Amenity' Bark Mulch (or similar approved by the landscape architect) to 1.0 metre diameter and kept weed free.
- In confined urban areas i.e car parks & housing estates where trees are to be planted in heavily compacted ground, larger tree pits are to be excavated to achieve circa 5m3 of uncompacted growing volume with pits approximately 2.5m x 2.5m backfilled with excavated subsoil and topsoil (as described above) mixed with 100L of peat free tree planting compost. Where groups of trees or avenues are planted the pits are to be combined to achieve the required growing volume. Tree pits in poorly draining soils are to be positively drained, connecting into the surface water drainage system to engineers details.
- Suitable foundations are to be provided to accommodate proposed tree planting and retained trees. In locations close to footpaths and roadways linear root barriers Greenleaf, ReRoot or similar are to be installed in accordance with manufacturers instructions. Where proposed tree locations conflict with services, trees are to be relocated in accordance with the appropriate utilities guidance notes subject to client / local authority approval. Proprietary root barrier Greenleaf, ReRoot or similar to be installed in accordance with manufacturers instructions where relocation is not considered appropriate.
- SHRUB & HERBACEOUS PLANTING: plants to be in accordance with BS 3936 and handled in accordance with CPSE guidelines and planted in accordance with BS 4428. Nursery stock supplier to be approved by the Landscape Architect. All shrubs to have a minimum of three breaks, except Hedera with a minimum of two. Well water plants immediately after planting and prior to spreading of slate chippings. Planting areas to be covered with 50mm depth slate chippings much such as Melcourt 'Blue Slate 40mm' (or similar approved by the landscape architect) laid onto geotextile membrane detailed below and kept weed free.
- WEED CONTROL: Geotextile membrane (to be Terram 'WeedGuard' or similar approved) laid on top of prepared topsoil (refer to item 1.0) covering all planted areas with a minimum overlap of 200mm between sheets. Cut a cross and pin back the membrane for each individual plant location and dig out the soil below the cut large enough to accept the root ball. Well water plants immediately after planting and prior to spreading of mulch. Shrub areas to be covered with slate chippings as above and kept weed free.
- WEED CONTROL ON STEEP SLOPES: proposed planting areas steeper than 1:3 (33%) gradient are to be designed appropriately by a suitably qualified engineer to ensure slope stability. Where appropriate bark mulch and geotextile membranes are to be replaced with proprietary mulch matting such as Greenflex 2.4m wide mulch rolls or similar.
- WILDOFLOWER SEEDING: grass areas to be seeded in accordance with BS 4428 during March, April or September. Unimproved topsoil to be imported, rotavated and levelled as required and any debris or stones greater than 20mm diameter removed. Lightly rake areas after sowing. Seed to be Germinall Seeds mix WFG4 'Neutral Soils' sown at 5.0 g/m².
- MAINTENANCE: To be carried out at approximately monthly intervals to include the following:
  - Eradicate weeds by hand or appropriate chemical means.
  - Cut out dead or / and damaged stock or branches, prune as required.
  - Ensure all shrubs and trees are firmed in, securely staked and tied.
  - Collect litter, sweep and tidy site.
  - Apply suitable non-residual pesticides, fungicides, fertilisers and water as required.
  - Carry out grass mowing to turf when attained 100mm, cut to 35mm (50mm for shaded areas).
  - All hedges to plot frontages be maintained at a max height of 1.0m. Hedges and shrub planting within visibility splays to be maintained in accordance with current highways design guidelines.
- WATERING: all plant material to be watered in dry periods until established during April through to September with a fine rose until the water penetrates the topsoil to at least 5cm depth and achieves field capacity. Frequency of watering regime to be determined by weather conditions, soil conditions and underlying geology, all plant beds to be watered to ensure soil is consistently moist to promote successful establishment. As a guide only it is suggested that during hot, dry periods, plants are to be watered every six to ten days. For individual trees it is suggested that 18 watering visits per year are carried out commencing late March (prior to budburst) and utilising a minimum of 50 litres of water per tree. Soil probe to be used to determine soil saturation to full depth of root ball.

SURFACE TREATMENTS - HGV SPECIFICATION:

- PAVING: 300 x 300mm light grey concrete paving stones; laid stacked pattern.
- PEDESTRIAN PAVING: 200 x 100mm dark grey concrete block paving; laid stretcher bond.
- TARMAC: tarmac surface to engineers specification.

LEGEND: SOFT LANDSCAPING

- GROUND COVER: ornamental shrub ground cover planting as specified.
- PROPOSED WILDOFLOWER GRASS: environmental / regional grass seed mixture.
- EXISTING GRASS AREAS: amenity grass verges to roadside.
- EXISTING SCRUB: taller ruderal herb and shrub along roadside.

TREE PLANTING: standard tree planting.

EXISTING TREES / VEGETATION: to be retained.

EXISTING TREES / VEGETATION: to be removed to facilitate development.

EXISTING TREES / VEGETATION: to be removed as identified on tree survey plan.

BOUNDARY TREATMENTS:

- BOUNDARY RAILINGS: 2000mm Euroguard fence.
- KNEE RAIL: 450mm high timber knee rail as detailed.
- EXISTING BOUNDARY: to be retained.

Plant Schedule

Trees

No.	Species Name	Specification	Girth	Height	Common Name
3 -	Acer campestre	3x :Extra Heavy Standard :Clear Stem min. 200 :5 brks :RB :PG 1	14-16cm	400-450cm	Common Maple
3 -	Alnus glutinosa	3x :Extra Heavy Standard :Clear Stem min. 200 :5 brks :RB :PG 1	14-16cm	400-450cm	Common alder
3 -	Quercus robur	3x :Extra Heavy Standard :Clear Stem 175-200 :5 brks :RB :PG 1	14-16cm	400-450cm	Common Oak

Shrubs

No.	Species Name	Specification	Spread	Height	Pot Size	Density	Common Name
228 -	Brachyglottis 'Sunshine'	Branched :4 brks :C :PG 8		30-40cm	3L	3/m²	Shrub Ragwort
161 -	Ceanothus thyrsiflorus repens	Bushy :5 brks :C :PG 8			3L	3/m²	Creeping Blueblossom
127 -	Cornus sanguinea 'Midwinter Fire' (*)	Branched :3 brks :C :PG 7		40-60cm	3L	3/m²	
116 -	Cotoneaster 'Coral Beauty'	Bushy :4 brks :C :PG 8			3L	3/m²	Cotoneaster 'Coral Beauty'
182 -	Euonymus fortunei 'Emerald 'n' Gold'	Bushy :7 brks :C :PG 8		20-30cm	3L	3/m²	Euonymus 'Emerald 'n' Gold'
252 -	Hebe 'Sutherlandii'	Bushy :5 brks :C :PG 9			3L	4/m²	Shrubby Veronica
307 -	Lonicera nitida 'Baggesen's Gold' (*)	Bushy :5 brks :C :PG 2			5L	3/m²	
129 -	Pittosporum tenuifolium 'Tom Thumb'	Bushy :3 brks :C :PG 1		15-20cm	3L	3/m²	Kohuhu 'Tom Thumb'
302 -	Prunus laurocerasus 'Otto Luyken'	Bushy :5 brks :C :PG 8		40-60cm	5-7.5L	3/m²	Cherry Laurel 'Otto Luyken'
209 -	Viburnum davidii	Bushy :4 brks :C :PG 1		30-40cm	5-7.5L	3/m²	Viburnum

Grasses

No.	Species Name	Specification	Spread	Height	Pot Size	Density	Common Name
294 -	Carex pendula	Full Pot :PG GR			2L	3/m²	



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Refer any query to office of origination.

rev	date:	amendments:	alt:
A	03/11/2021	Updated to latest site layout	MH
B	17/12/2021	Updated to latest site layout	BH
C	23/02/2022	Replacement tree planting	DP
D	10/05/2022	Existing roadside vegetation added	DP
E	26/05/2022	Updated to latest site layout	DP
F	30/05/2022	Updated to latest site layout	DP
G	15/08/2023	Updated to latest site layout	TOW

bea  
landscape design ltd

client:  
Lidl UK GmbH

project:  
Thamesfield Way  
Great Yarmouth

title:  
Detailed Landscape Proposals

status:  
PLANNING

date: Sept 2021	drawn: DP	number: 21-108-02
scale@A0: 1:200	checked: ECH	revision: G

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