

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

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.

- **1st August 2016 – 31st 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 1st August 2018 and 01st 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 10th 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 11th 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.	
Officer comment / response:	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.	
Officer comment / response:	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.

Norfolk County Council – Lead Local Flood Authority	Initial objections removed
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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.	
Officer comment / response:	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.

Internal Drainage Board:	No objection
<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>	
Officer comment / response:	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"> • Investigate the drainage outflow routes and links to existing watercourses. • develop the drainage scheme as proposed. <p>Informative Note - Separate land drainage consent might be needed.</p>

Norfolk Constabulary – Designing Out Crime Team (summarised)	No objections - but advice provided to help scheme meet “secured by design”
<p>The following advice is proposed:</p> <ul style="list-style-type: none"> • A brick pillar style entrance will create a "symbolic barrier" and "Defensible space. 	

<ul style="list-style-type: none"> • 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. • The provision for car parking is shown as being adjacent to buildings with active windows overlooking and has appropriate levels of Natural Surveillance. • The securing of cycles left unattended must be considered, cycle stands provided must facilitate the locking of both wheels and the crossbar. • The building's reception entrance and car park should be clearly signposted from the entrances onto the site. • 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. • A lighting plan to cover all vulnerable areas should be in place and coordinated with a CCTV installation. 	
Officer comment / response:	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.

Norfolk Fire Service	No objections
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.	
Officer comment / response:	No comments.
Any relevant Condition or Informative note?	None required - their concerns are addressed by Building Regulations.

4.6 INTERNAL CONSULTEES

GYBC Tree Officer:	No objection subject to conditions
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>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>	
Officer comment / response:	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

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

Environmental Health Officer	No objection subject to conditions
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.	

Officer comment / response:	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)
- 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 foods 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 a cross 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 position 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 3rd 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 10th 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.

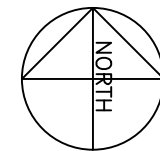
Appendices:

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



ALL DIMENSIONS AND SETTING OUT ARE TO BE VERIFIED ON SITE AND ALL DISCREPANCIES REFERRED TO THE ARCHITECT BEFORE WORK COMMENCES. COPYRIGHT RESERVED

REV.	DATE	DESCRIPTION



'Subject To Survey'
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client
Lidl UK GmbH

project
New Store
Thamesfield Way
Great Yarmouth

drawing
Location Plan

scale	date	drawn	checked
1:500@A3	Sept 21	RM	
drawing no.	revision		
7723L-19			

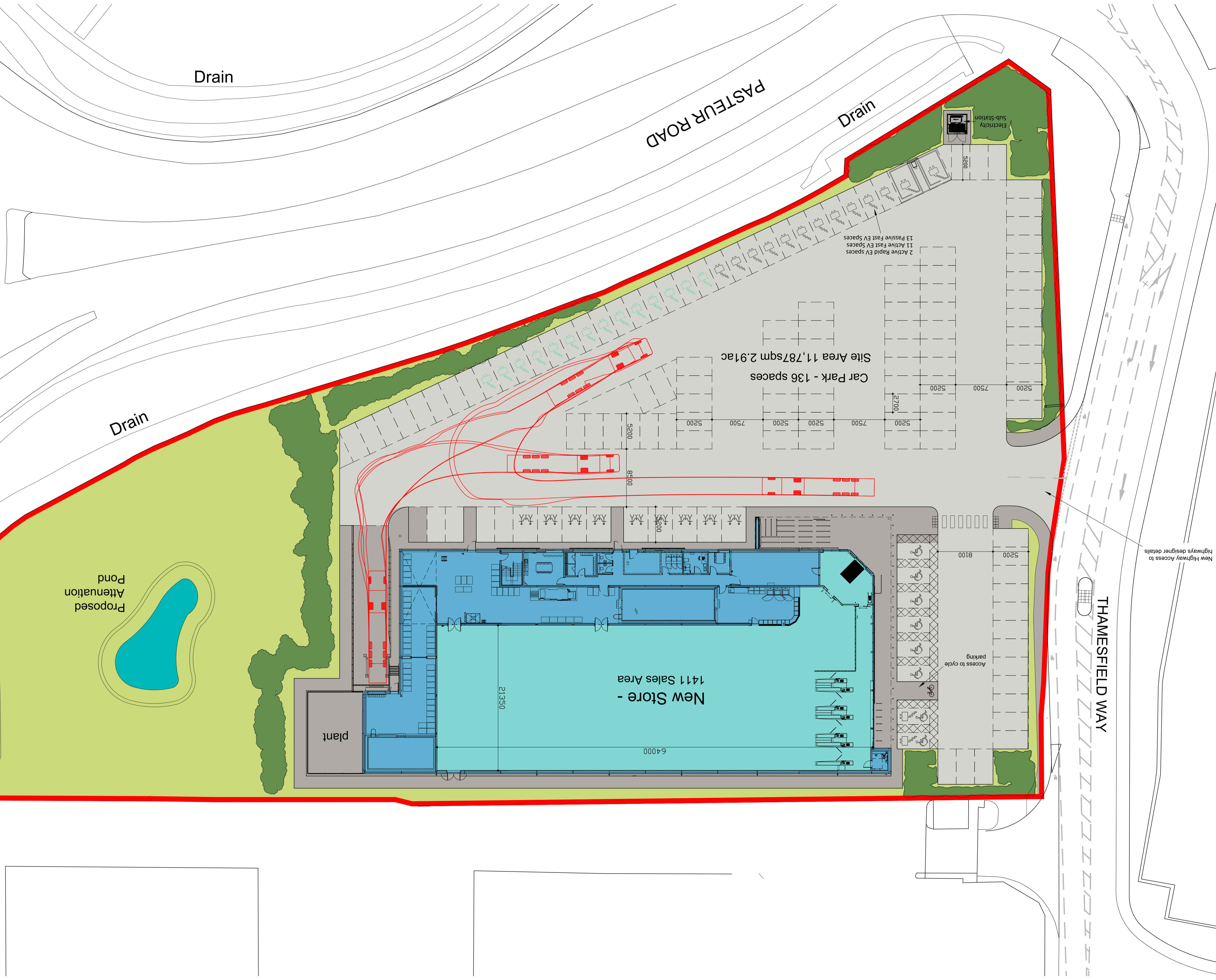
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Areas Table

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



New Highway Access to highways designer details