

Schedule of Planning Applications

Committee Date: 9th November 2022

- Application No: **06/22/0805/F**- [Click here to see application webpage](#)
- Site Location: 37-39 Market Place (Former Palmers Store), GREAT YARMOUTH, Norfolk NR30 1LU
- Site Location Plan: See Appendix 1
- Proposal: Proposed demolition of plant room, external wall to plant area and associated flue
- Applicant: Great Yarmouth Borough Council
- Case Officer: Mr N Harriss
- Parish & Ward: Great Yarmouth, Central/Northgate
- Date Valid: 14 September 2022
- Expiry / EOT date: 11 November 2022
- Committee referral: This is a 'connected application', where the Borough Council is applicant.
- Procedural note 1: This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 01 November 2022, and the Monitoring Officer has checked the file and is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

RECOMMENDATION: APPROVE SUBJECT TO IMPOSED CONDITIONS

REPORT

1. The Site

- 1.1 The site is located to the rear of the former retail premises and adjoins Howard Street car park. The site is located within Conservation Area No. 2 – Market Place, Rows & North Quay.
- 1.2 The disused plant room and flue is enclosed by a 4 to 5 m high wall attached to the rear of the retail premises which at this point are a mix of building styles at 2-storeys in height. The flue at around 13 m tall stands higher than the flat and pitched roofs on the adjacent buildings.

1.3 The wall/enclosure is a mix of brickwork, blockwork, and concrete forms part of the walls of the plant room that has a flat roof and also encloses a rear yard containing a twin walled stainless steel flue.

2. The Proposal

2.1 The proposal is associated with a wider investment project by Great Yarmouth Borough Council (GYBC) and partners that involves [subject to planning permission] transforming the former Palmers building into a multi-million-pound library and learning centre along with adult learning, registry office and other community services.

2.2 Preparatory work not requiring planning permission has started on removing asbestos and various cosmetic alterations to the inside of the building stripping out the five storey, 5,300 square metre building, and repairing the roof ready for its next chapter.

2.3 Connected to this, there is a need to demolish the disused and outdated rear plant room and associated flue feature and being within a conservation area these works require planning permission given the building volume and wall height.

3. Site Constraints

3.1 Site within Conservation Area No. 2 – Market Place, Rows & North Quay.

4. Relevant Planning History

4.1 No relevant planning history, but these proposals were discussed as part of pre-application enquiries on the whole building's overall transformation.

5. Consultations

5.1. Statutory Consultees

Consultee: Historic England	Response: In this case we are not offering advice.
Comments: Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.	

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again unless there are material changes to the proposals.

Officer comment / response:	n/a
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Any relevant Condition / Informative note?	n/a
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Consultee: Norfolk County Council local Highway Authority	Response: No objection
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Comments:

Whilst raising no objection to the application, I would advise that the proposal is adjacent to a public highway which formed part of the "Rows" (Row 54). Accordingly, I would request the following informative note be appended to any grant of permission your Authority is minded to make:

Inf. 4V This proposal involves works adjacent to the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact the Area Street Works Co-ordinator, email: streetworks.north@norfolk.gov.uk

Officer comment / response:	n/a
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Any relevant Condition / Informative note?	Include informative on decision notice
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Consultee: GYBC Conservation Section	Response: No comments to make
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Comments:

There won't be any comments on behalf of the Conservation section. Please don't hesitate to contact us conservation@great-yarmouth.gov.uk if there are any questions or any material changes to the proposed development.

Officer comment / response:	n/a
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Any relevant Condition / Informative note?	n/a
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Consultee: GYBC Environmental Services

Response: Requests conditions / informatives

Comments:

I note the information submitted by the applicant and request the following:

Air Quality- Construction/ Demolition

The site will potentially generate a significant amount of dust during the construction/ demolition 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.

Unknown contamination

If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission until a scheme has been submitted to and approved by the Council as Local Planning Authority detailing how this contamination shall be dealt with in accordance with the remediation scheme as set out above. Only when evidence is provided to confirm the contamination no longer presents an unacceptable risk, can development continue.

Reason: 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 section 179 of the NPPF.

Asbestos Note:

The developer is reminded that prior to any refurbishment commencing on site the building/s to be refurbished are required to be surveyed for the presence of asbestos containing materials in accordance with the Control of Asbestos Regulations 2012. Any asbestos containing materials which are identified shall be managed or removed in accordance with the above regulations and waste regulations. Failure to comply with these regulations could result in prosecution by the relevant authority.

The uncontrolled refurbishment of buildings could result in the contamination of soils on site and in the vicinity of the demolition. This could cause the investigation of the site under Part 2A of the Environmental Protection Act 1990, which may result in the determining of the site as Contaminated Land.

For further help and advice in respect of asbestos removal the applicant/agent is advised to contact the Health and Safety Executive (HSE) on 0845 345 0055

(www.hse.gov.uk/asbestos)

Hours of Work:

Due to the proximity of other residential dwellings and businesses, the hours of any construction or refurbishment works should be restricted to:

- 0730 hours to 1830 hours Monday to Friday
- 0830 hours to 1330 hours Saturdays
- No work on Sundays or Bank Holidays

Officer comment / response:

n/a

Any relevant Condition / Informative note?

Include as condition/informative on decision notice

6. Publicity & Representations received

Consultations undertaken: Site notices & Press advert – expiry date: 4 November 2022

Reasons for consultation: Conservation Area

6.1. Ward Member – Central and Northgate Ward Cllr(s) Jade Martin; Michael Smith-Clare and Carrie Talbot

Representation	Officer Comment	Relevant Condition/Informative
No comments received	n/a	n/a

6.2. Public Representations

At the time of writing no public comments have been received.

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS10: Safeguarding local heritage assets

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development Limits
- Policy GY1: Great Yarmouth Town Centre Area
- Policy E5: Historic environment and heritage
- Policy E6: Pollution and hazards in development

8. Other Material Planning Considerations

- Conservation Area No. 2 – Market Place, Rows & North Quay

National Planning Policy Framework (July 2021)

- Section 16: Conserving and enhancing the historic environment

9. Planning Analysis

9.1. 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.

9.2. 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.

Main Issues

The main planning issues for consideration include:

- Principle of development
- Historic environment and heritage
- Amenity

Assessment:

Proposal summary: Proposed demolition of plant room, external wall to plant area and associated flue

10. Principle of Development

10.1 The application site is within the development limits where the principle of development is supported subject to compliance with other relevant policies in the development plan. As such the proposal complies with Local Plan Policy GSP1.

11. Heritage and cultural impacts

- 11.1 The site is within Conservation Area No. 2 – Market Place, Rows & North Quay. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area.
- 11.2 In accordance with the NPPF the applicant has assessed the heritage impact of the proposal and clarified what impact the development will have on heritage assets. The application site does not contain features of archaeological or heritage interest and the removal of these utilitarian features will enhance the character and appearance of the conservation area. The development does not affect a listed building or its setting.
- 11.3 Following demolition of the walls and internal features an existing area of concrete hardstanding will be left in situ. All material will be safely removed from site and the area left in a neat, safe and tidy manner. The lower ground windows of the adjoining buildings will be temporarily boarded over for security and to prevent unauthorised access. This will match the current arrangement in place on the existing building. The existing solid site hoarding is a temporary arrangement and sits within the area of the car park that is owned by GYBC, the demarcated area is used with permission of the land owner for the purpose of a site compound for works. An assessment on the security of the site will be made on completion of demolition and solid hoarding (similar to that currently there) may be used to ensure it is secure. If this is undertaken it will be moved so that it does not impact on the car park and is within the demise of the property ownership.
- 11.4 In terms of the wider investment project as described in paragraph 2.1 above, this area to be cleared is likely to be part external landscaping, provision for cycle parking and a new smaller electrical switch room and substation. A Planning Application for the long-term investment project is due to be submitted shortly.
- 11.5 The proposal complies with Local Plan Policies CS10 and E5.

12. Residential Amenity

- 12.1 There are neighbouring residential and commercial premises. The proposed demolition is unlikely to significantly impact on amenity subject to measures raised by Environmental Services in 5.1 above.
- 12.2 It is proposed that conditions be included on the decision notice relating to air quality and unknown contamination. An advisory note or informative will be included relating to Asbestos and hours of work.
- 12.3 Subject to conditions as identified above the proposal complies with Local Plan Policies A1 and E6.

13. Local Finance Considerations

- 13.1 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.

14. Conclusion and Recommendation

- 14.1 Having considered the details provided, the application is considered to comply with policy CS10, from the adopted Core Strategy, and policies GSP1, A1, E5 and E6 from the adopted Local Plan Part 2.

RECOMMENDATION:

It is recommended that application 06/22/0805/F should be APPROVED, subject to the following Conditions:

Proposed Conditions

1. 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. The development shall be carried out in accordance with the following plan:

Drawing No. [GYLH-CF-ZZ-XX-DR-A-0500 Plant Room Demolition Plan and Elevation](#)

The reason for the condition is:-

For the avoidance of doubt.

3. In the event that 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 has been 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.

Informative Notes:

1. Asbestos –

The developer is reminded that prior to any refurbishment commencing on site the building/s to be refurbished are required to be surveyed for the presence of asbestos containing materials in accordance with the Control of Asbestos Regulations 2012. Any asbestos containing materials which are identified shall be managed or removed in accordance with the above regulations and waste regulations. Failure to comply with these regulations could result in prosecution by the relevant authority.

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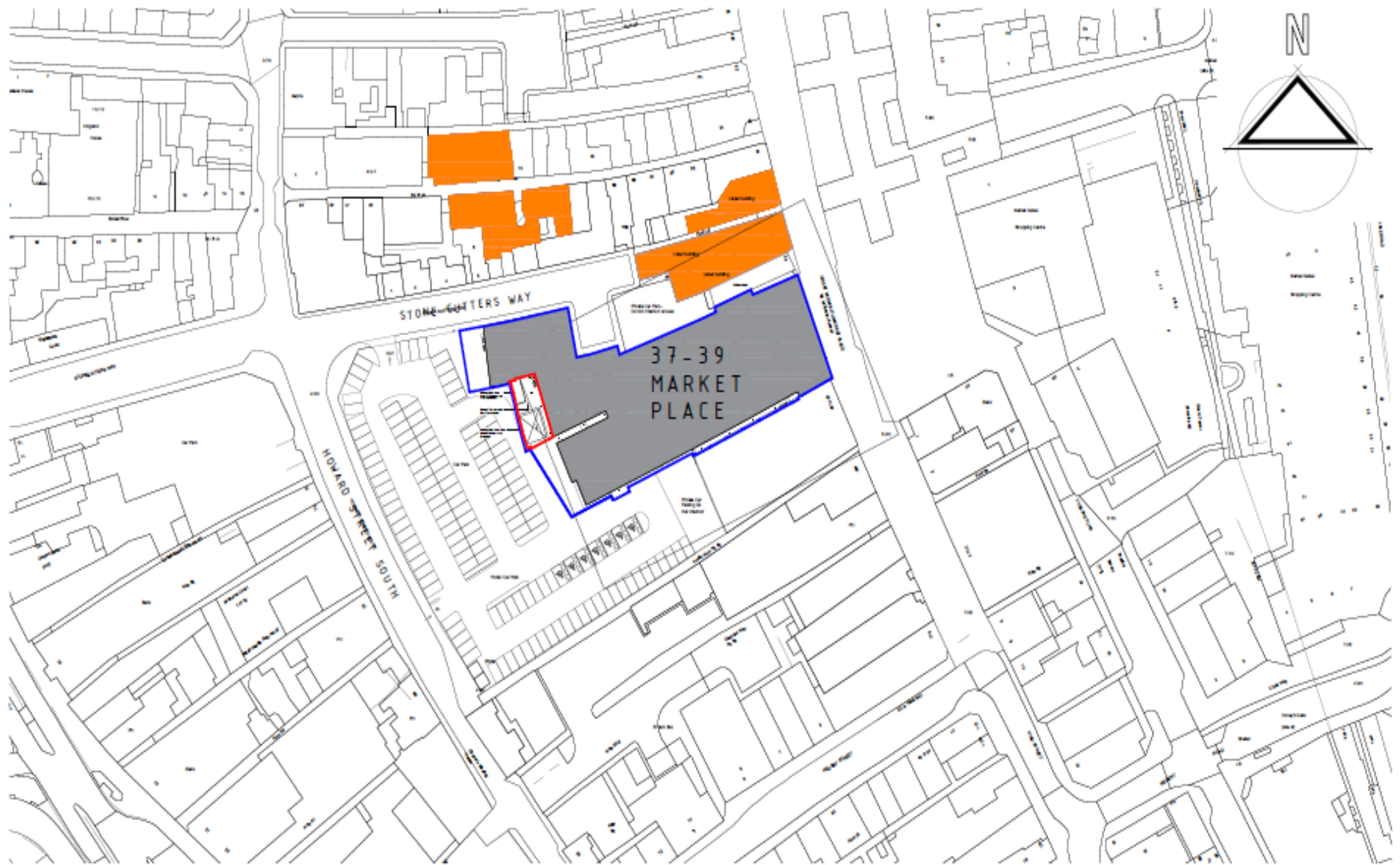
2. Hours of work –
Due to the proximity of other residential dwellings and businesses, the hours of any construction or refurbishment works should be restricted to:
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 - No work on Sundays or Bank Holidays

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4. This proposal involves works adjacent to the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact the Area Street Works Co-ordinator, email: streetworks.north@norfolk.gov.uk

Appendices:

1. Site Location Plan.



Site Location Plan 1:1250