

# Development Management Committee Report



Committee Date: 22 May 2024

Application Number	06/23/0926/VCF – ( <a href="#">Click here</a> to see application webpage)
Site Location	Site of former Trafalgar College, Thamesfield Way, Great Yarmouth, NR31 0DN
Proposal	Variation of Conditions 2 (approved plans), 4 (floorspace) and 5 (convenience/comparison goods split) of pp 06/22/0008/F (Demolition of existing building and erection of a new discount foodstore with access, car parking, landscaping and other associated works) - Amendments to increase the store sales area and associated change to goods sales limits, parking provision and design
Applicant	Lidl Great Britain Limited
Case officer	Lucy Smith
Ward	Southtown and Cobholm Ward, Great Yarmouth
Date Valid	22-12-23
Determination Due	24-05-24
Reason at committee	This application proposes to amend the planning permission reference 06/22/0008/F; if approved this would create a new planning permission which, as with the previously-granted planning permission, would represent a departure from adopted local plan policy.

## SUMMARY OF RECOMMENDATION:

### APPROVE, SUBJECT TO CONDITIONS AND SECTION 106 AGREEMENT TO SECURE THE CONTINUING OBLIGATIONS OF AN EXISTING SECTION 106 AGREEMENT

#### P1. Preliminary Matter

P1.1 Members are reminded that case law has ruled that an application to remove or vary conditions on a planning permission has the effect of creating a new planning permission altogether. The determination of this proposal must have regard to the permission(s) already granted and the intended variations, and any material considerations relevant to the development since the previous permission was granted.

#### 1. The Site and Context

1.1 The site consists of approximately 1.18 ha, and 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 previously comprised of a former three-storey vacant building, which was historically used as an office with curtilage used for industrial storage, but more recently converted for use as a further education college for GY Charter Academy until 2019. This building has since been demolished following the approval of application ref. 06/22/0008/F.
- 1.4 Application reference 06/22/0008/F, approved on the 20<sup>th</sup> September 2023, is an extant permission for the redevelopment of the site for the erection of a new Lidl foodstore (Use Class E) with access, landscaping and other associated works. That permission is subject to conditions and a section 106 agreement which includes obligations to discontinue the use of an existing Lidl foodstore on Pasteur Road prior to the approved development opening, as the approved development was presented as an appropriate replacement for the existing store.

#### **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 A safeguarded travellers site of 25 pitches is located to the south of Gapton Hall roundabout, to the south east of Halfords and Pizza Hut, accessed from Gapton Hall Road.
- 1.10 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. This Lidl store is currently still in operation.

## **2. The Proposal**

- 2.1 This application is a variation of condition application, submitted under Section 73 of the Town and Country Planning Act 1990 as amended, to vary conditions 2 (approved plans), 4 (floorspace) and 5 (convenience/comparison goods split) of pp 06/22/0008/F. The original application was for the demolition of an existing building and erection of a new discount foodstore with access, car parking, landscaping and other associated works.
- 2.2 This variation of condition application aims to make amendments to increase the store sales area and subsequently also amend a condition relating to the convenience / comparison goods sales limitation imposed within the previous permission, and to amend the parking provision, including the removal of 8 parking spaces, with minor alterations of the design of the store.
- 2.3 Operationally, the Gross Internal Area (GIA) of the whole building would actually decrease by 86sqm to 2,189 sqm, but the sales area would increase by 101sqm, to 1,512sqm. The reduced overall floorspace occurs due to a rearrangement and loss of part of the approved staff areas and warehouse storage. Supporting information is submitted to demonstrate that the 101sqm increased sales area would result in a total trade uplift of £0.75m in 2023, raising to £0.78m by 2028.
- 2.4 A Section 106 Agreement was attached to the original permission, dated 31<sup>st</sup> July 2023, requiring that the operation of the existing Lidl on Pasteur Road (granted consent under application 06/04/0317/F and varied under application ref. 06/15/0277/F) shall cease prior to the approved foodstore being opened to trade to the public. This is because the proposed foodstore would not otherwise be acceptable in this location, if it was not a replacement store. As the S106 related to the existing permission and there is no clause within that Agreement to tie any subsequent variations of the application to the same obligations, a new section 106 agreement or a Deed of Variation will be required before any new permission is issued, to ensure that the agreement or same obligations apply to the new permission should this application be approved.

### **3. Site Constraints**

- 3.1 The site falls within a designated Safeguarded Employment Area defined by policy CS6.
- 3.2 The site is within Flood Zone 3, where there is a high probability of flood risk. Pluvial flood risk from 1 in 1000 yr events is plotted as being 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).
- 3.3 There are no listed buildings within the vicinity of the site, and the site does not fall within or adjacent to a conservation area.
- 3.4 There are no trees within the site which are protected by virtue of a Tree Preservation Order (TPO), however the original permission included measures for the protection of a belt of vegetation along the north and west boundary and extensive tree planting to make the development acceptable.

### **4. Relevant Planning History**

- 4.1 This application is an amendment of application ref. 06/22/0008/F for the demolition of an existing building and erection of a new discount foodstore with access, car parking, landscaping and other associated works, approved on the 20<sup>th</sup> September 2023.

- 4.2 A non-material amendment application was submitted (reference 06/23/0798/NMA), to alter the wording of Condition 8 of planning permission 06/22/0008/F to allow details of off-site highways works to be submitted and approved prior to any construction taking place beyond slab / DPC / foundation level, rather than prior to demolition as originally worded – approved 4<sup>th</sup> December 2023.
- 4.3 Another application is currently pending consideration for installation of advertisement signage at the premises (application ref. 06/24/0048/A).
- 4.4 Although there was extensive planning history before the approval of the foodstore, the permissions listed above have been implemented by virtue of the demolition of the former Trafalgar College building and have begun a new chapter in the site’s planning history.

#### **Discharge of condition applications**

- 4.5 The following discharge of condition applications have been submitted pursuant to application reference 06/22/0008/F:

06/23/0794/CD: Proposed discharge of Condition 18 of pp 06/22/0008/F: Proposed Contamination Materials Management Plan – partially discharged 5<sup>th</sup> December 2023.

06/23/0791/CD: Proposed discharge of Condition 8 of pp 06/22/0008/F: Condition 8(a) Details of off-site highway improvement works; 8(b) Evidence of submission of Highways Act Section 278 information – pending consideration.

06/23/0792/CD: Proposed discharge of Conditions 10 and 11 of pp 06/22/0008/F: Condition 10(a): Details of proposed on-site construction worker parking; Condition 11: Details of a Construction and Demolition Traffic Management Plan – both conditions partially discharged 20<sup>th</sup> December 2023.

## **5. Consultation responses**

### **5.1 Local Highway Authority (Norfolk County Council)**

#### **No objection**

- 5.1.1 The Highway Authority had originally confirmed a holding objection on the basis of loss of parking spaces, and requested clarification relating to the access, which was satisfied by the submission of a Highways Technical Note in respect of parking levels.
- 5.1.2 The Highway Authority raises no objection subject to the receipt of confirmation that the two EV charging points to the northeast of the site are equipped with active EV charging units, in addition to the 13 active units shown at the west side of the site, as the colour of the symbols are inconsistent. The agent has since provided confirmation that they would, and this is subject to conditions which secure their provision.

### **5.2 Lead Local Flood Authority (Norfolk County Council)**

#### **No objection**

- 5.2.1 The LLFA confirmed that they had no objection to the variation of conditions provided the updated FRA and Drainage Strategy are reflected in the varied condition (condition 2).

5.3 County Ecologist (Norfolk County Council)

**No objection**

5.3.1 The County Ecologist raises no objection to the application, provided the development maintains conditions 32 and 33 from 06/22/0008/F, relating to biodiversity and ecological enhancement.

5.4 Waveney, Lower Yare and Lothingland Drainage Board

**No objection**

5.4.1 The IDB had already granted consent under Byelaw 3 for the works approved under the original application, however the applicant will need to contact their office to make an amendment to the Drainage Consent previously issued to reflect the updated information. Although the floorspace of the sales area has increased, it is not anticipated that this will impact the proposed impermeable area for the whole site.

5.4.2 Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, specific consent would be required under Byelaw 3. However, there is no indication that this will need to be the case.

5.4.3 Should the applicant's proposals change to include works to alter any of the riparian watercourses, or if works are proposed to alter the watercourses at any time in the future, specific consent would be required under the Land Drainage Act 1991 (and byelaw 4).

5.5 Historic Environment Service (Norfolk County Council)

**No comments**

5.6 Environmental Services

**No objection**

5.1.1. The Senior Environmental Protection Officer raised no objection to the scheme subject to compliance with the submitted Air Quality Assessment and the submitted lighting plan, which shall not cause light intrusion beyond the site boundaries.

5.7 Environment Agency

**No objection**

5.7.1 The Environment Agency have confirmed that they have no objection to the proposed variations but wish to advise their previous comments relating to flood risk remain valid for this development.

**6. Publicity and Representations**

6.1. Consultations undertaken: Site notices and Press advert. Reasons for consultation: Major application and a departure from policy. The overall expiry date for the consultation process was 16th February 2024.

6.2 Ward Member – Cllr(s) Green, Pilkington and Wainwright

6.2.1 No comments received.

6.3 Public Representations

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

## **7. Relevant Planning Policies**

### **7.1 The 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 - this Policy is amended by Policy UCS7
- 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.

### **7.2 The Great Yarmouth Local Plan Part 2 (adopted 2021)**

- Policy GSP8: Planning obligations.
- 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.

## **8. Other Material Planning Considerations**

### **8.1 National Planning Policy Framework (Dec 2023)**

The policies in the Framework are material considerations which should be taken into account in dealing with applications.

- Section 2. Achieving sustainable development
- 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 and beautiful places
- Section 14. Meeting the challenge of climate change, flooding and coastal change
- Section 15. Conserving and enhancing the natural environment

## 8.2 Supplementary Planning Documents

- Great Yarmouth Design Code (adopted January 2024)

## 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.*

9.3 Section 73 of the Town and Country Planning Act 1990 (as amended) states:

*On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.*

### Main Issues

- Principle of Development
- Principle of increasing the sales area in a location not ordinarily supported for retail floorspace
- Design, Form and Character
- Amenity
- Highways, Parking and Travel Plan
- Drainage
- Contamination
- Landscaping
- Ecology
- External Lighting

## 10. **Assessment**

### Principle of Development

- 10.1 The principle of development has already been assessed and deemed acceptable under the original application ref. 06/22/0008/F. As in accordance with Section 73 of the Town and Country Planning Act 1990 (as amended), this application assesses the acceptability of the proposed variations to this scheme, and whether they would have any adverse impact on the approved development.

### Principle – Increase in Sales Area

- 10.2 The development permitted by the original permission (06/22/0008/F) provided a substantial area of new retail floorspace in a location not ordinarily supported by adopted planning policies, but was considered acceptable by virtue of being a replacement for an existing foodstore in the vicinity/retail catchment area, with an acceptable modest level of increased floorspace tested by bespoke retail impact assessment. The LPA's assessment involved consideration of the associated retailing, social, economic and highways impacts, with the whole application considered and approved on the basis of providing 1,411 sqm sales area within the approved development. As such, there are a number of conditions on the original consent which define the permission and ensure the development operates as assessed. These include:

- restricting the sale floor area (condition 4),
  - maintaining an appropriate balance ratio of convenience goods / comparison goods (condition 5),  
and others, to limit the use and operation, such as:
    - maintaining use as a foodstore retail unit only (condition 3),
    - preventing any subdivision into smaller retail units (condition 6),
    - preventing further extensions under permitted development (condition 7), and,
    - maintaining retail operations as a Limited Assortment Discounter (condition 43).
- 10.3 In terms of the principle of development, this application seeks to amend the existing Conditions 4 and 5 which are currently state:

Condition 4:

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

Condition 5:

*“The development hereby permitted shall provide:*

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

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



- 10.4 As in accordance with policy CS7 (f) of the Local Plan, a Retail Impact Assessment (RIA) was submitted with that application to examine any possible significant adverse impacts to the established town centre, based on a proposed sales floor area of 1,411sqm. As the proposed store is a replacement, the approved RIA only assessed the impacts of the net-additional floorspace created above that of the existing Lidl store floorspace on Pasteur Road; the net increase in sales floorspace as proposed and approved under 06/22/0008/F was originally 348sqm. The RIA concluded that there would be a 0.75% impact on the Great Yarmouth town centre, on the basis of an overall net increase of 348sqm sales area, which would be a 24.6% increase in sales floorspace compared to the Pasteur Road foodstore. The forecasted impacts were presented in terms of a percentage impact on the town centres, the principle of which can be applied proportionately to the smaller-scale local and district centres.
- 10.5 As such, a key consideration in the determination of this variation application is whether the additional sales floorspace area created (101sqm), within this variation of condition application, would have a harmful impact on the town centre or existing defined district or local centres.
- 10.6 The consequential gain from the existing Pasteur Road store to the new foodstore's proposed amended floorspace would become 449sqm as a result of this amendment (which is a 42% increase in sales area from the existing Pasteur Road store).
- 10.7 The covering letter submitted with this application includes a comparison of the percentage impact on Great Yarmouth and Gorleston Town Centres between the permitted scheme and proposed variation. This suggests that the permitted scheme would have a 0.69% impact on Great Yarmouth Town Centre in year 2023, by way of 'trade draw' from the centre, as opposed to the 0.75% impact in year 2022, with the proposed additional 101sqm resulting in an additional uplift of 0.11% additional trade draw from the town centre. The same difference between the permitted and proposed schemes is indicated in year 2028. A lower uplift of 0.02% is indicated for Gorleston Town Centre for both year 2022 and 2028. The overall impact on the centre on the centre as a whole will still be less than 1%, which is not considered to have an impact on town centre vitality and viability.
- 10.8 The applicant's impact assessment has applied a percentage increase in impacts compared to the approved development, which is considered appropriate as the broad range of goods is proposed to remain the same, and the floorspace increase is marginal in comparison to the scale of foodstore approved. The submission acknowledges there would be a low level recognised impact but notes that the additional impact on the town centre remains at much less than 1% of the approved impact. Officers are satisfied that the retail environment remains broadly consistent with the economic conditions of the time when the previous permission was granted, and the small-scale increase proposed is sufficiently small that there would be no unacceptable level of impact on defined centres, when compared to that which has already been approved.
- 10.9 Whilst the submitted covering letter does not involve a detailed assessment of the impact of the overall increase of 449sqm from the existing Pasteur Road store, it should be noted that policy CS7 specifies that an RIA would only required when a development proposes over 200sqm net additional floorspace. This is considered an important material consideration in determining this application, as it is considered unreasonable to expect a new RIA to be provided for demonstrating the impacts of such a modest level of increased retailing sales area. Instead, it must be considered whether the original permission had sufficient detail to

inform the assessment, and whether it covered a suitable relevant period to reflect current circumstances. It is not considered that a full RIA would be required as a necessary part of assessing this application because the net additional floorspace proposed under this application is approximately only half that of the 200sqm threshold for doing so, and the context and assessment of the original RIA provided sufficient clarity that the impact of the amended development could be extrapolated from there.

10.10 Whilst the fragility of Great Yarmouth's Town centre is recognised, and that the location of the development is 'out of centre' and therefore contrary to the local plan, it is acknowledged that the original application was approved on the basis that it was replacing an existing store, with the S106 agreement securing this situation. It is considered that overall, the increase proposed under this application represents a very minor change to the scale of development permitted, and that sufficient evidence was available at the time of the former permission to demonstrate that a small increase as proposed in this variation would not result in an unacceptable level of additional adverse impact on the vitality and viability of the Town Centre or other local centres.

10.11 As such, it is recommended that Condition 4 should be varied to refer to a maximum floorspace of 1,512 sqm to ensure the development operates within the context of the understood levels of impacts of the store's operation. Condition 4 should therefore be amended to state:

*"The development hereby permitted shall provide no more than a maximum of 1,512 sqm (square metres) to be used as a retail floorspace sales area at any time. This area shall not be exceeded without first gaining the express written permission of the Local Planning Authority obtained pursuant to the submission of a valid planning application."*

10.12 In regard to the variation of Condition 5, which aims to maintain a balance between comparison and convenience goods and ensure the store's predominant operation as a convenience retailer of day-to-day needs, the figures referred to are proposed to be revised to reflect the new overall floorspace of 1,512sqm, but the ratio of convenience goods to comparison goods would remain at 80:20. This ensures the small level of additional floorspace is further restricted in its impacts on the town centre as comparison goods would only be able to amount to 20% of the proposed additional 101sqm, or 20sqm. The reason for this condition is to define the permission and ensure the development operates as proposed and as assessed.

10.13 Officers therefore recommend that Condition 5 be varied accordingly to reflect the increased overall floorspace, but retain the balance ratio already established. Condition 5 should therefore be amended to state:

*"The development hereby permitted shall provide:*

- *no more than a maximum of 1,210 sqm (square metres) of the permitted retail floorspace sales area to be used for convenience good retailing; and,*
- *no more than a maximum of 302 sqm (square metres) of the permitted retail floorspace sales area to be used for comparison good retailing, at any time.*

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

### Design, Form and Character

- 10.14 This application proposes minor changes to the floorplan of the originally approved store, which would result in minor changes to the elevations of the proposal. However, the proposal would maintain the same design principles, height, and siting, and overall the changes are considered to be immaterial in design terms.
- 10.15 Since the determination of the original application ref. 06/22/0008/F, the Great Yarmouth Borough Wide Design Code SPD has been adopted. However, this does not introduce any guidance which would impact the assessment of the design of retail stores in this location.

### Amenity

- 10.16 Core Strategy Policy CS09 also expects that new development achieves a high level of amenity for future and existing users. Policy A1 expands on this approach and states:

*"Development proposals will be supported where they protect or promote a high standard of amenity to ensure a suitable living environment in the locality.*

*Planning permission will be granted only where development would not lead to an excessive or unacceptable impact on the amenities of the occupiers of existing and anticipated development in the locality, in terms including:*

- a. overlooking and loss of privacy;*
- b. loss of light and overshadowing and flickering shadow;*
- c. building and structures that will be overbearing;*
- d. nuisance and disturbance"*

- 10.17 The proposal does not represent any significant changes in design, and there are no immediate neighbouring buildings which would be impacted by overlooking, overbearing, or overshadowing impact.
- 10.18 A revised Air Quality Assessment (AQA) ref. 444605-01(01) (November 2023) has been submitted in support of the application, and whilst the findings of the revised report are consistent with the previous report, it is acknowledged that more up-to-date monitoring results are included, as well as reference to up-to-date relevant legislation and guidance, including the IAQM construction dust guidance. The Council's Environmental Protection Officer has been consulted and has raised no objection to the revised AQA.
- 10.19 In terms of noise nuisance, the Noise Impact Assessment as previously approved 06/22/0008/F is considered relevant and does not require updating as there are not proposed to be any changes to the number or frequency of deliveries nor their locations, given the modest change in floorspace areas. In view of the above, there is not considered to be an impact on amenity in terms of nuisance and disturbance, and sufficient protections will remain in place in respect of delivery and servicing times as set out in Conditions 41-42 of permission 06/22/0008F which would be included in any new permission granted.
- 10.20 Conditions 10 and 11 of the original consent required the submission of the details of on-site construction parking and a Construction and Demolition Traffic Management Plan which were submitted and approved under application ref 06/23/0792/CD. These details are considered

consistent with the revised site layout, and therefore the approved details are recommended to be required for use, to be secured through revised conditions on any new permission.

- 10.21 The proposal is not considered to generate any other amenity concerns. The application is therefore considered to comply with CS09 and A1.

#### Highways, Parking and Travel Plan

- 10.22 The proposed layout results in the loss of 73sqm of car park space, and subsequent removal of 8 vehicle spaces due to the rearrangement of the layout. The access remains to the northeast of the site directly from Thamesfield Way, with the car park arrangement remaining similar, with the EV charging points situated within different spaces.
- 10.23 The Highways Authority originally raised a holding objection to the proposal on the basis that the change in layout would result in the loss of spaces, however the agent has since submitted a Highways Technical Note which responded to Highways comments with trip generation data. The comments also included a recommendation to narrow the proposed access, however the access reflects that as already approved by the original permission which was approved by the local highway authority at the time. A query was later raised on the provision of EV charging units, however it has been demonstrated that 15 EV charging points are still proposed and will be required by conditions.
- 10.24 The Transport Assessment and Travel Plan have also been updated. The revised Travel Plan remains broadly the same as the previously approved, with the inclusion of the updated site layout, as well as reference to the progressed Action Plan, including utilisation of the SusGo Travel Tool. The sections of the Travel Plan referred to in Condition 39 remain consistent in the revised Travel Plan.
- 10.25 The Transport Assessment has been revised to reflect the amended site layout, and to assess the impact of the proposed increase in sales area, including an additional trip analysis to compare trip generation for the previously approved application against the new proposal. The results suggest that there would be a minimal increase in impact on the highway, and no objection has been received in relation to the revised assessment.
- 10.26 In terms of off-site highway improvement works, plans have been submitted pursuant to Condition 8 of the original permission 06/22/0008/F under discharge of condition application reference 06/23/0791/CD, however the S278 agreement to secure the works is still in process.
- 10.26 Overall, the proposal is considered to accord with policies CS16 and I1, as well as national planning policy. There are therefore no highways or transportation-related issues which would warrant refusal of the application.

#### Flooding and Drainage

- 10.27 The application site is located within Flood Zone 3. A revised Flood Risk Assessment (FRA) has been submitted with the application to reflect the revised site layout. However, having compared the drainage schemes included within both of the assessments, there has only been

a very minor amendment to the siting of permeable paving adjacent to the proposed store, and the strategy remains the same for the most part.

10.28 The LLFA confirmed that they had no objection to the variation of is condition provided the updated FRA and Drainage Strategy are reflected in the varied condition (Condition 2).

10.29 The application is therefore considered to comply with policy CS13.

#### Landscaping

10.30 The application is supported by a revised landscaping plan, which takes the changes to the site layout into consideration. This is consistent with the approved landscaping plan with only very minor changes to the landscaping along the periphery of the car park.

10.31 Condition 28 is recommended to remain, which requires full details of soft and hard landscaping, and a planting plan, as well as details on boundary treatment.

10.32 The Tree Protection details have also been updated to reflect the revised site layout, however the proposal would not result in the loss of any additional tree, shrubs or hedging.

#### External Lighting

10.33 The application is supported by revised external lighting details to reflect the changes to the site layout. As with the landscaping, this is only slightly departs from the previously approved lighting plan.

10.34 The Environmental Health Officer has been consulted on the proposed scheme, and raises no objection. The lighting scheme is considered to be in accordance with the requirements of Policies A1 and E6.

10.35 Condition 36 of the original consent remains relevant which requires full details of any additional lighting prior to its installation at the site.

#### Contamination

10.36 Policy E6 requires that applicants demonstrate their proposals are safe from, and do not give rise to, unacceptable hazards and/or pollution. The proposal is not considered to result in any changes to the assessment of contamination required by Conditions 13-19 of the approved consent.

10.37 The Contamination Materials Management Plan required by Condition 18 has been submitted and deemed acceptable under discharge of condition application reference 06/23/0794/CD. The submitted information is considered to correlate with the revised layout and as such, Condition 18 (now proposed Condition 17), is recommended to be re-imposed on any new permission, but be revised to relate to the agreed details as submitted under this application.

#### Local Finance Considerations

10.38 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.

## **11 The Planning Balance**

- 11.1 The application proposes changes to the floor plan of the previously approved new Lidl Store to result in an increase in the sales area of 101sqm. On balance, this is considered a sufficiently minor increase that it would not materially affect the outcomes or findings of the original Retail Impact Assessment such that it would present an unacceptable level of additional detrimental impact on the vitality of the Town Centre or other defined centres to such a level as to warrant refusal of the application.
- 11.2 The amendments would only have a minor impact on the associated design, landscaping and drainage aspects of the development which revised supporting information submitted demonstrates would not cause an adverse impact.
- 11.3 Although there are some latent highways concerns at the loss of available parking spaces, these have been responded to by the applicant with sufficient comfort that there would not be a severe impact on highways safety and the local highway network would not be detrimentally affected to an unacceptable degree.

There have been no statutory objections received. On balance, it is considered that the highways and retail impacts are sufficiently low level that only a small level of direct benefit would be needed to outweigh those harms, despite the development continuing to be a departure from adopted planning policy. However, whilst the amended format of proposed store would bring only an small level of associated economic investment and jobs creation directly related to the proposed changes, it is an important material consideration that the changes are requested to secure investment and continued development of the site to realise the benefits associated with the original permission. Taken together, these are significant benefits which would outweigh the identified harms, and there are no other material planning considerations to suggest the development should not be approved.

## **12 Conclusion**

- 12.1 Having considered the details provided, the application is considered to comply with policies CS1, CS6, CS7, CS9, CS13 and CS16 from the adopted Core Strategy, and policies A1, R1, E1, E4, E6, I1 and I3 from the adopted Local Plan Part 2.
- 12.2 In accordance with Section 73 of the Town and Country Planning Act 1990 as amended, the proposed amendments are considered acceptable and it is recommended that planning permission should be granted subject to conditions which the extant permission is subject to, albeit with appropriate amendments to reflect the revised layout and additional sales floorspace and inclusion of details approved by condition applications.
- 12.3 It is considered that there are no other material considerations to suggest the application should not be recommended for approval. The recommendation is for approval subject to the prior completion of a Section 106 Agreement or appropriate Deed of Variation of the

existing section 106 agreement to ensure the existing Lidl on Pasteur Road ceases operation prior to the opening of the proposed Lidl store.

- 12.4 Following the approval of Non-material amendment application ref. 06/23/0798/NMA, which amended the timing of Condition 8 to allow demolition prior to the submission and approval of the required off-site highways works, the existing building on site was demolished, which is considered sufficient to enable development to have been considered commenced. As such, a condition stipulating a time limit for commencement is not required.

### 13. Recommendation

It is recommended that Committee delegate authority to the Head of Planning to approve application 06/23/0926/VCF and grant planning permission, subject to:-

- (i) the prior completion of a Section 106 Agreement or relevant Deed of Variation of the Section 106 Agreement dated 31<sup>st</sup> July 2023, sufficient to secure the same obligations as the existing Agreement,  
  
and,
- (ii) the proposed Conditions listed below.

#### Conditions

##### Development to Accord with Approved Plans and Details.

1. The development shall be carried out in accordance with the following plans received by the Local Planning Authority on the 20th February 2024:

- Proposed Site Plan; dwg. Ref. 7723L-32 Rev H

The following revised plan received by the Local Authority on the 22nd January 2024:

- Detailed Landscape Proposals; dwg. ref. 21-108-02 Rev I

And the following plans received by the Local Planning Authority on the 21st December 2023:

- Location Plan; dwg. Ref. 7723L-19 Rev A
- Proposed Floor Plan; dwg. Ref. 7723L-35
- Proposed Roof Plan; dwg. Ref. 7723L-37
- Elevations; dwg. Ref. 7735L-36
- LiAS Design Notes and Luminaire Schedule; DWG 00
- Proposed Lighting Layout; DWG 01
- Tree Survey & Constraints Plan; ref. 21-108-01
- Tree Protection Plan; ref. 21-108-03 Rev F
- Air Quality Assessment Project No: 444605-01(01) (November 2023)
- Flood Risk Assessment (Including Drainage Strategy); 16-2044 Issue 8 (November 2023)
- Preliminary Ecological Appraisal (PEA) Survey Report; ref. SQ-1399 (December 2023)

- Transport Assessment; 16-2038 T101 Issue 1 (November 2023)
- Travel Plan; 16-2038 T102 Issue 1 (November 2023)

And shall be undertaken in accordance with the following plans and supporting documents approved as part of planning permission 06/22/0008/F:

- DWG005 Proposed Site Access;
- DWG 16-2044-300 Rev P2 Section 278 - Proposed General Arrangement and Access Construction;
- DWG 16-2044-301 Rev P2 Section 278 - Contours and Flow Arrows;
- DWG 16-2044-302 Rev P2 Section 278 - Site Clearance;
- DWG 16-2044-303 Rev P2 Section 278 - Signs and Road Markings;
- DWG EDS07-0102.01 Version E Unit/Package Substation with Standard Plinth Design & GRP
- Enclosure Sheet 1 of 3;
- DWG EDS07-0102.01 Version D Earthing Arrangement for Unit / Package Substation with Standard
- Plinth Detail & GRP Enclosure Sheet 2 of 3;
- DWG EDS07-0102.01 Version A Small Power & Lighting Layout Sheet 3 of 3;
- Emergency Flood Response Plan T004 Issue 1 prepared by Cora IHT dated 26 April 2022;
- Letter from Paul Palgrave (Geo Investigations) to Joe Caunt (Lidl Great Britain Limited) dated 25 November 2021 re: Proposed Lidl, Thamesfield Way, Great Yarmouth - Report on Soakaway Testing;
- Noise Impact Assessment ref. 9219/FD prepared by Acoustic Consultants Ltd dated August 2023;
- Phase I & II Geo-Environmental Assessment ref. UK215309b Issue 1 prepared by EPS dated 13 May 2021;
- Planning and Retail Statement prepared by Rapleys LLP dated January 2022.

Reason: For the avoidance of doubt.

#### Site to Remain in Class E(A) Use

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

See also Conditions 3-6 and 42 of this permission.

Reason: The development hereby permitted provides a substantial area of new retail floorspace in a location not ordinarily supported by adopted planning policies because of the potential conflict with established local, district and town centre designations, and the removal of land in a designated employment area, but has been justified on the basis of



being able to minimise the potential impacts by virtue of being a replacement for an existing foodstore in the vicinity, with the associated impacts assessed and considered on this basis only; if the use of the development were to change to other forms of retailing such as a non-foodstore retail use, or other main town centre uses, the development could give rise to impacts not previously assessed and not necessarily without detriment to the town centre or other sequentially preferable defined centres. As such, the restriction is necessary to ensure that the Council retains control over the quality, extent and range of impacts and provision of any change of use, in accordance with policies CS1, CS2, CS6 and CS7 of the adopted Great Yarmouth Core Strategy (2015), and policies R1 and UCS7 of the adopted Great Yarmouth Local Plan Part 2 (2021).

#### Floor Area Limited to 1,512sqm

3. The development hereby permitted shall provide no more than a maximum of 1,512 sqm (square metres) to be used as a retail floorspace sales area at any time. This area shall not be exceeded without first gaining the express written permission of the Local Planning Authority obtained pursuant to the submission of a valid planning application.

See also Conditions 2, 4-6 and 42 of this permission.

Reason: The development hereby permitted provides a substantial area of new retail floorspace in a location not ordinarily supported by adopted planning policies, but is acceptable by virtue of being a replacement for an existing foodstore in the vicinity, with the associated retailing, social, economic and highways impacts assessed and considered on this basis of a proposing 1,512 sqm sales area within the application. The restriction is imposed in order to define the permission and ensure the development operates as proposed and as assessed, and to ensure the satisfactory functioning of the development in accordance with policies CS1, CS2, CS6, CS7 and CS16 of the adopted Great Yarmouth Core Strategy (2015), and policies R1, USC7 and I1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

#### Convenience Goods / Comparison Goods Limitation

4. The development hereby permitted shall provide:
  - no more than a maximum of 1,210 sqm (square metres) of the permitted retail floorspace sales area to be used for convenience good retailing; and,
  - no more than a maximum of 302 sqm (square metres) of the permitted retail floorspace sales area to be used for comparison good retailing, at any time.

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

See also Conditions 2-3, 5-6 and 42 of this permission.

Reason: The development hereby permitted provides a substantial area of new retail floorspace in a location not ordinarily supported by adopted planning policies, but is acceptable by virtue of being a replacement for an existing foodstore in the vicinity, with the associated retailing, social, economic and highways impacts assessed and considered on this basis of a proposing this particular mix of retail floorspace sales area within the application. The restriction is imposed in order to define the permission and ensure the development operates as proposed and as assessed, to ensure the satisfactory functioning of the

development, in the interests of highways safety, and to safeguard the vitality and viability of nearby town and local centres in accordance with policies CS6, CS7 and CS16 of the adopted Great Yarmouth Core Strategy (2015), and policies R1, USC7 and I1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

No Subdivision of Unit

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

See also Conditions 2-4, 6 and 42 of this permission.

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

No Extension or Alteration of Unit Without Planning Permission

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

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

Off-site Highway Improvement Works

7. Part (A) –

There shall be no commencement of the development hereby permitted beyond slab / DPC / foundations level until a detailed Scheme for providing appropriate off-site highway improvement works has first been submitted to and approved in writing by the Local Planning Authority.

Part (B) –

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

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

#### Completion of Off-site Highways Works

8. The development hereby permitted shall not be brought into first use as a foodstore until the off-site highway improvement works (including any Public Rights of Way works) required by Condition 7 of this permission have first been completed and made available for use in strict accordance with the detailed plans approved under Condition 7 of this permission.

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

#### Scheme for On-site Construction Worker Parking

9. The on-site construction worker parking must take place in accordance with the details included within the Construction and Demolition Traffic Management Plan, Document Number: T004 Issue 2 dated 13 December 2023, approved on the 20<sup>th</sup> December 2023, under application reference 06/23/0792/CD. The on-site construction worker parking shall be implemented and retained in accordance with the approved details, for the duration of the construction period.

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

#### Construction and Demolition Traffic Management Plan

10. The development hereby permitted shall be undertaken in accordance with the approved details of a Construction and Demolition Traffic Management Plan, including details of wheel washing facilities within the site, in accordance with the Construction and Demolition Traffic

Management Plan, Document Number: T004 Issue 2 dated 13 December 2023, approved on the 20th December 2023 under application reference 06/23/0792/CD. The Plan shall be implemented and retained in accordance with the approved details, for the duration of the demolition and construction period.

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

#### Provision of Visibility Splays

11. The development hereby permitted shall not be brought into first use as a foodstore until visibility splays have first been provided in full accordance with the details indicated on drawing number DWG-005 Proposed Site Access, approved as part of planning permission 06/22/0008/F. The splays shall thereafter be retained and maintained at all times free from any obstruction exceeding 0.225m above the level of the adjacent highway carriageway.

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

#### Contamination Site Investigation

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

The site investigation shall include the areas of the site which were considered to be previously inaccessible ground when prior investigations were undertaken as detailed in the submitted Phase I & II Geo-Environmental Assessment report dated 13 May 2021, approved as part of planning permission 06/22/0008/F, and shall be based upon the recommendations presented within Section 7.4 of the same report, including:

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

(b) The investigation should also include an assessment of ground water presence and quality and an assessment of the potential risks to groundwater resources, undertaken

through a controlled waters risk assessment and subsequent presentation of remedial options appraisal and sustainability assessment.

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

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

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

#### Foundations Works Risk Assessment and proposed Foundations Design Strategy

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

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

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

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

#### Ground Gas Investigation and Remediation

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

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

Reason: In the interests of ensuring the land contamination risks at the site are addressed and remediated in the interests of maintaining local amenity and environmental assets, and

the safety of workers, neighbours and other offsite receptors, in accordance with policies CS1 of the adopted Great Yarmouth Core Strategy (2015) and E6 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

#### Contamination Remediation Scheme

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

The remediation scheme shall be provided subsequent to the fulfilment of an agreed site investigation and revised contamination risk assessment in accordance with Condition 12 of this permission, the foundations proposals to be agreed under Condition 13 of this permission, and any mitigation required for ground gas presence to be agreed under Condition 15 of this permission. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

#### Contamination Remediation Verification and Validation Plan

16. There shall be no use of the development hereby permitted until the details of a Contamination Remediation Verification and Validation Plan have first been submitted to and approved in writing by the Local Planning Authority. The Plan shall include proposed means to confirm successful mitigation of the immediate contamination risks identified by Conditions 12-15 of this permission and shall propose long term monitoring of the identified risks with appropriate mitigation measures to be introduced as necessary.

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

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

#### Contamination Materials Management Plan

17. The development hereby permitted shall be carried out in strict accordance with the details of the Contamination Materials Management Plan received by the Local Planning Authority on the 27<sup>th</sup> October 2023, and approved under application reference 06/23/0794/CD on the 5<sup>th</sup> December 2023. The development shall be carried out in accordance with the approved details and recommendations contained in the report, including the mitigation and monitoring thereof, and a copy of the final Verification Report should be sent to the Environmental Protection Team upon completion.

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

#### Unknown Contamination

18. If contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All development shall cease and shall not recommence until:
- 1) a report shall be submitted and agreed in writing by the Local Planning Authority which includes results of an investigation and risk assessment together with proposed remediation scheme to deal with the risk identified; and,
  - 2) the agreed remediation scheme has been carried out and a validation report demonstrating its effectiveness has been approved in writing by the Local Planning Authority.

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 policies CS1 of the adopted Great Yarmouth Core Strategy (2015) and E6 and A1 of the adopted Great Yarmouth Local Plan Part 2 (2021).

#### Flood Resilience and Flood Risk Mitigation Measures Scheme

19. With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until a Flood Resilience and Flood Risk Mitigation Measures Scheme has first been submitted to and approved in writing by the Local Planning Authority. The Scheme shall set out how the development will provide suitable protection and resilience during flood events, having regard to the recommendations and principles set out within the approved Flood Risk Assessment; 16-2044 Issue 8 (November 2023), and the Technical Note in response to the LLFA response (ref.: FW2022\_0856), dated 17 October 2022, approved as part of planning permission 06/22/0008/F and shall include confirmation of the final proposed site ground levels and finished floor levels. The development shall thereafter be constructed in strict accordance with the details as approved, and shall be retained as such thereafter.

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

### Flood Emergency Response Plan

20. With the exception of demolition of existing buildings and site clearance, there shall be no commencement of the development hereby permitted until a Flood Emergency Response Plan has first been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of connecting the development to the Environment Agency's Flood Warning Direct Scheme, and other measures having regard to the recommendations and principles set out within the approved Flood Risk Assessment; 16-2044 Issue 8 (November 2023), and the Emergency Flood Response Plan T004 Issue 1 dated 26 April 2022, and the Technical Note in response to the LLFA response (ref.: FW2022\_0856), dated 17 October 2022, approved as part of planning permission 06/22/0008/F. The details shall demonstrate the final proposed floor level of the internal mezzanine floor to act as a refuge area, of at least 2.09m AOD, to be shown in relation to the recognised flood risk depths and external ground floor levels, with appropriate climate change allowances. The flood event refuge area shall remain available for public access in the event of a flood emergency thereafter. The development shall be constructed in accordance with the mitigation measures as proposed and shall thereafter be operated in strict accordance with the details as approved.

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

### Drainage Strategy

21. The development hereby permitted shall be constructed in strict accordance with the following drainage scheme proposals as submitted:
- Flood Risk Assessment and Drainage Strategy (document ref: Flood Risk Assessment; 16-2044 Issue 8 (November 2023)); and,
  - Technical Note in response to the LLFA response (ref.: FW2022\_0856), dated 17 October 2022, approved as part of planning permission 06/22/0008/F;

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

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

### Connection to riparian watercourse

22. There shall be no use or occupation of the development hereby permitted until the site's drainage strategy has first been connected to the required drainage outflow points within the privately maintained riparian watercourse as shown on the approved Internal Drainage Board Consent ref.22\_07549\_C dated 19 June 2023, approved as part of planning permission 06/22/0008/F. The appropriate preparations shall be made prior to connection, noting the Internal Drainage Board's advice that vegetation clearance will be required first.

Reason: To ensure there is sufficient drainage capacity to address the surface water run off requirements of the development without causing additional surface water flooding risk to



adjoining land and natural ecosystems, in accordance with policies CS11, CS12 and CS13 of the adopted Great Yarmouth Core Strategy (2015), and E1 and E6 of the adopted Great Yarmouth Local Plan Part 2 (2021).

#### Drainage Maintenance Schedule Scheme

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

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

#### Foul Drainage Scheme

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

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

#### Fire Hydrants Provision

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

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

#### Proposed Materials

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

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

Proposed Landscaping Scheme

27. Part (a) –

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

The proposed Landscaping Scheme shall include details of:

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

Part (b) –

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

Part (c) –

All the soft-landscaping and planting within the approved Landscaping Scheme shall be undertaken and provided no later than the first planting season following the first use of the development hereby permitted, and shall be retained and maintained as such thereafter in full accordance with the details of the approved Maintenance and Management Schedule.

Reason: In the interests of the visual amenities of the locality, biodiversity enhancement, resilience against climate change, and to provide a high standard of design, in accordance

with policies CS1, CS9 and CS11 of the Great Yarmouth Core Strategy (2015) and policy E4 of the Great Yarmouth Local Plan Part 2 (2021).

#### Retention of Tree, Shrub or Hedgerow

28. No tree, shrub or hedgerow which is indicated to be retained on the approved Tree Protection Plan (ref 21-108-03 Rev F) or the Landscaping Scheme to be approved under Condition 27 of this permission, shall be topped, lopped, uprooted, felled or in any other way destroyed, within ten years of the date of the first use of the building hereby approved, other than if such works are required in accordance with the approved Landscaping Scheme details.

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

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

#### Replacement of Tree, Shrub or Hedgerow

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

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

#### Colour of Substation

30. There shall be no use of the development for the purposes hereby permitted until the proposed electrical substation facility has first been built in or painted a green / olive green colour on all external walls, and screened from view with appropriate landscaping installed in the positions shown on the Landscaping Scheme to be approved under Condition 27 of this permission. The substation shall thereafter be maintained as a green colour and with appropriate landscaping screening.

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

#### Biodiversity and Ecology Enhancement Plan

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

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

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

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

Signed Statement of Good Ecological Practice

32. There shall be no use of the development for the purposes hereby permitted until a "Statement of Good Ecological Practice" has first been signed by a competent ecologist upon completion and review of the wildlife enhancement features contained in the Biodiversity and Ecology Enhancement Plan required by Condition 31 of this permission. The Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development, sufficient to confirm that the specified enhancement measures contained within the Plan have been implemented in accordance with good practice.

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

Electric Vehicle (EV) Charging facilities

33. There shall be no use of the development for the purposes hereby permitted until the Electric Vehicle (EV) Charging facilities (both the bays and associated charging apparatus) have first been installed, provided and made available for public use in accordance with the approved plans as listed at Condition 1 of this permission.

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

The EV charging facilities shall thereafter be maintained as such and retained for public use thereafter, and every two years from the first use of the development, a minimum of one passive space shall be converted into an active charging space until such time that all passive spaces are fully operational active spaces.

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

Laying Out of Access, On-Site Car and Cycle Parking, and Turning/Waiting Areas

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

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

#### External Lighting

35. No external lighting shall be erected within the development site unless full details of its design, location, orientation and level of illumination and luminescence have first been submitted to and approved in writing by the Local Planning Authority. Such lighting shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation. The specifications to be provided shall include appropriate mitigation to minimise the impacts on bats and disturbance to bat feeding corridors alongside and within the site. The lighting shall thereafter be implemented in strict accordance with the approved details and the mitigation measures included shall be installed prior to the use of the lighting and shall be retained as such thereafter.

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

#### Installation of Solar Panels

36. There shall be no use of the development for the purposes hereby permitted until the solar panels shown in the approved drawings listed at Condition 1 of this permission have first been installed, made operational and brought into use. The development shall thereafter retain and maintain the solar panels for the duration of the development.

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

#### Tree Protection Measures

37. The tree protection measures as detailed in the approved Tree Protection Plan drawing no. 21-108-03 Rev F shall be installed and maintained through the site clearance and construction period, to include the protective fencing and Construction Exclusion Zone which shall be installed and demarcated in the locations shown in the submitted and approved Tree Protection Plan drawing no. 21-108-03 Rev F.

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

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

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

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

#### Travel Plan

38. Upon the first use of the development for the purposes hereby permitted the approved Travel Plan ref T102 Issue 1 dated 03 November 2023 shall be implemented and the Travel Plan Measures shall be introduced and promoted as set out at Chapter 5 of the approved Travel Plan.

The Travel Plan shall thereafter be managed, issued and made available to all employees and staff within the development, and reviewed and updated to the timescales set out in the Travel Plan, in full accordance with the measures proposed at Chapters 6 and 8 of the approved Travel Plan document, for the duration of the development.

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

#### Working Hours

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

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

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

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

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

#### Opening Hours

40. The development the subject of this permission shall not be made available for use by the public / shall not be open to customers at any time outside the following hours:  
0800 hours to 2200 hours on Mondays to Saturdays,

and,

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

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

#### Delivery Hours

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

0730 hours to 2230 hours on Mondays to Saturdays,

and,

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

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

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

#### Restricted to 'Limited Assortment Discounter'

42. The development hereby permitted shall only be used as a Class E(a) retail foodstore and shall be restricted to a 'Limited Assortment Discounter' and shall be used for no other purpose falling within Class E of the Town and County Planning (Use Classes) (Amendment) Regulations 2020 (or any order revoking or re-enacting or amending that order with or without modification). A 'Limited Assortment Discounter' shall be taken to mean the sale of no more than 4,000 individual product lines.

Reason: For the avoidance of doubt and to ensure that the development hereby permitted does not have a negative impact on the vitality and viability of nearby defined centres in the locality in accordance with the NPPF and Development Plan.

### **Informative Notes**

#### Planning Obligations

1. This permission will be subject to a deed of variation to the original Section 106 dated the 31st July 2023 made under Section 106 of the Town and Country Planning Act (1990) as

amended, to ensure appropriate planning obligations are fulfilled and to address planning policy and natural environment protection requirements. The planning obligations cover the terms of opening and operation of this development and an existing retail store on Pasteur Road currently operated by the applicant.

#### Highways Works

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

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

#### Drainage Works and Consents

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

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

-The IDD notes that the applicant intends to discharge surface water to a watercourse, with no other means of draining the site readily available or discussed. The proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy. (available at [https://www.wlma.org.uk/uploads/WMA\\_Table\\_of\\_Charges\\_and\\_Fees.pdf](https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf)).

-The IDD notes the presence of multiple watercourses which have not been adopted by the Board (a riparian watercourse) within the site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

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



### Works in the Public Highway

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

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

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

If required, street furniture will need to be repositioned at the Applicants own expense. The off-site works will be delivered by a Section 278 Agreement and the precise delivery mechanism will be determined as the works are brought forward. The applicant should be aware that there may be additional costs relating to the off-site works which will include a commuted maintenance amount as well as various fees including administration and supervision. The completed works will be subject to a Safety Audit and additional works may be required.

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

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

### Additional Notes for Developer

5. (a) The applicant is advised that businesses require a Trade Waste contract to dispose of all waste associated with commercial activities as stated in the Environmental Protection Act 1990, Section 34.
- (b) The applicant is strongly recommended to advise neighbouring businesses and residential occupiers of the proposals, including any periods of potentially significant disturbance e.g. demolition or piling, together with contact details in the event of problems.
- (c) The site will potentially generate a significant amount of dust during the construction process; therefore, the following measures should be employed:
- An adequate supply of water shall be available for suppressing dust;
  - Mechanical cutting equipment with integral dust suppression should be used;
  - There shall be no burning of any materials on site, or burial of asbestos, which should instead be removed by an EA licenced waste carrier, and the waste transfer notes retained as evidence.
- (d) The responsibility for the safe development and secure occupancy of the site rests with the developer. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination, or that the land could not be declared Contaminated Land in future.

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

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

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

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

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

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

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

(l) The Bat Conservation Trust and The Institution of Lighting Professionals (ILP) have produced new guidance on bats and lighting which you are recommended to follow:

<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

# APPENDIX 1: Site Location Plan

