



GREAT YARMOUTH BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 22 February 2023
Time: 18:00
Venue: Council Chamber
Address: Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

AGENDA

CONTENTS OF THE COMMITTEE AGENDA PLANNING APPLICATIONS & CONDUCT OF THE MEETING

Agenda Contents

This agenda contains the Officers' reports which are to be placed before the Committee. The reports contain copies of written representations received in connection with each application. Correspondence and submissions received in time for the preparations of the agenda are included. However, it should be noted that agendas are prepared at least 10 Working Days before the meeting. Representations received after this date will either:-

- (i) be copied and distributed prior to or at the meeting – if the representations raise new issues or matters of substance or,
- (ii) be reported orally and presented in summary form by the Principal Officer of the Committee – especially where representations are similar to, or repeat, previous submissions already contained in the agenda papers.

There are occasions when the number of representations are similar in nature and repeat the objections of others. In these cases it is not always possible for these to be included within the agenda papers. These are either summarised in the report (in terms of numbers received) and the main points highlighted or reported orally at the meeting. All documents are available as 'background papers' for public inspection.

Conduct

Members of the Public should note that the conduct of the meeting and the procedures followed are controlled by the Chairman of the Committee or, if he/she so decides, the Vice Chairman. Any representations concerning Committee procedure or its conduct should be made in writing to either –

- (i) The Planning Group Manager, Town Hall, Great Yarmouth. NR30 2QF
- (ii) The Monitoring Officer, Town Hall, Great Yarmouth. NR30 2QF

DEVELOPMENT CONTROL COMMITTEE

PUBLIC CONSULTATION PROCEDURE

- (a) Thirty minutes only will be set aside at the beginning of each meeting to deal with applications where due notice has been given that the applicant, agent, supporters, objectors, and any interested party, Parish Council and other bodies (where appropriate) wish to speak.
- (b) Due notice of a request to speak shall be submitted in writing to the Planning Group Manager two days prior to the day of the Development Control Committee meeting.
- (c) In consultation with the Planning Group Manager, the Chairman will decide on which applications public speaking will be allowed.
- (d) Three minutes only (or five minutes on major applications at the discretion of the Chairman) will be allowed to (i) objectors together, (ii) an agent or applicant and (iii) supporters together, (iv) to a representative from the Parish Council and (v) Ward Councillors.
- (e) The order of presentation at Committee will be:-
 - (1) **Planning Officer presentation** with any technical questions from Members
 - (2) **Agents, applicant and supporters** with any technical questions from Members
 - (3) **Objectors and interested parties** with any technical questions from Members
 - (4) **Parish Council representatives, Ward Councillors and Others** with any technical questions from Members
 - (5) **Committee debate and decision**

Protocol

A councillor on a planning or licensing decision making body should not participate in the decision and / or vote if they have not been present for the whole item.

This is an administrative law rule particularly applicable to planning and licensing - if you haven't heard all the evidence (for example because you have been out of the room for a short time) you shouldn't participate in the decision because your judgment of the merits is potentially skewed by not having heard all the evidence and representations.

It is a real and critical rule as failure to observe this may result in legal challenge and the decision being overturned."

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest arises, so that it can be included in the minutes.

3 MINUTES 5 - 13

To confirm Minutes of the meeting held on 18 January 2023.

4 APPLICATION 06-22-0008-F - Former Trafalgar College, Land at Junction of Pasteur Road and Thamesfield Way, Great Yarmouth 14 - 48

Report attached.

5 APPLICATION 06-22-0955-F - Former Palmers Store 37 - 39 Market Place Great Yarmouth 49 - 67

Report attached.

6 APPLICATION 06-21-0594-F – Land adjacent South east corner 68 - 76

of Venetian Waterways, Great Yarmouth

Report attached.

7 ANY OTHER BUSINESS

To consider any other business as may be determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Minutes

Wednesday, 18 January 2023 at 18:00

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

Mr R Parkinson (Development Manager), Mr R Tate (Planning Officer), Mr N Harriss (Principal Planning Officer), Mr Da Glason (Director of Planning and Growth), Ms C Whatling (Monitoring Officer), Mrs S Wintle (Corporate Services Manager), Miss R Downie (Democratic Services Officer), Mr D Zimmerling (IT Support) and Ms T Koomson (Senior Democratic Services Officer).

01 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G Carpenter, B Wright and Williamson.

Councillor Galer attended as a substitute for Councillor G Carpenter.
Councillor Jeal attended as a substitute for Councillor B Wright.

02 DECLARATIONS OF INTEREST

Councillors Fairhead declared personal interest in agenda item 5 as she knows the applicant personally.
Councillor T Wright declared personal interest on agenda item 5 having donated his annual ward grant to the applicant's charity the Willow Tree Works.

03 MINUTES

Minutes of the meeting held on the 7 December 2022 were confirmed.

04 APPLICATION 06 21 0857 F - Land between Alpha Road & Common Road, Gorleston, Great Yarmouth

The Committee received and considered the report set out on the agenda, prepared by the Development Manager Mr R Parkinson. This application was for residential development of 8no. dwellings with associated open space, highway works and landscaping. The application was brought before the Committee at the request of the Head of Planning noting the concerns of Councillors Price and Borg in response to the public concerns raised.

The Development Manager further reported that having considered the details provided, the application proposal is considered to meet the requirements for new residential development as an exception in a flood risk area and, once the section 106 agreement is completed and subject to the conditions proposed, will comply with Core Strategy Policies CS2, CS4, CS9, CS11, CS13, CS16 and policies GSP1, GSP5, GSP8, A1, A2, H3, H4, E1, E4, E6, E7 and I3 of the Local Plan Part 2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval.

The Development Manager further advised the Committee of the latest updates received from the applicant in relation to conditions 4, 5, 6 and 7. It is therefore recommended that application 06/21/0857/F should be approved, subject to: (i) prior completion of a section 106 to secure: all 8no dwellings as affordable housing to be let as affordable rent tenure; £1,487.44 towards habitat site impacts mitigation; and £14,172.48 towards off-site open space provision in the Claydon Ward; and subject to the conditions as set out in the agenda report and as updated by the Development Manager in his presentation to the meeting.

Cllr Hammond asked clarification if ground floor parking had been considered to facilitate all cars and to ensure EV charging points to all car parking spaces. He also asked clarity why affordable housing is allowed to be built on a zone 3 flood risk area if no similar application would be approved to build private accommodation. Development Manager confirmed that consideration had been given to ground parking, but this would push the building to be even higher and would reduce available properties to be built down to six or even four. He also confirmed that the proposed development is for good quality housing and includes high mitigation measures for managing the risk of flooding.

Cllr Galer also pointed out that there was a slight contradiction with statements 11.4 and 11.9 on the report. Development Manager clarified that it

is true that kitchen/diner would be on the ground floor, but that other habitable areas are on the first floor and provide safe refuge during the peak of the flood. He further clarified that this is not considering flash flooding but rather tidal flooding which allows for better preparedness including evacuation.

The Chair invited Mr I Hill from Bidwells agent on behalf of the applicant to speak. Mr Hill thanked for the officer report which he felt outlined the proposed development well, but wished to take the opportunity to highlight a few key points. He confirmed that proposal brings affordable housing to currently vacant site. Although a zone 3 flood area, they have successfully put required mitigations in place and there aren't alternative sites available for similar development. There is a great demand for affordable housing and although presented with number of challenges, they have considered the location on the design for example red facing brickwork and chimneys to keep in line with the character of the other properties in the area. The area is highly accessible by public transport, close to amenities and there is not considered to be impact on highways. In summary, the aim is to provide high quality, sustainable, affordable housing on the brownfield site.

There were no additional questions to Mr Hill by the Committee.

Cllr Myers Confirmed he supports development of affordable housing, but feels that this is overdeveloped with eight dwellings and looks crowded. He suggested that development of six dwellings would be better and would also allow more space to provide parking.

Cllr Wright agreed with Cllr Myers that the area is already very crowded and that eight properties is too much. The roads are narrow and congested and also the elevated height to mitigate flood risk makes the design out of character for the rest of the area. Affordable accommodation is good for the local residents, but eight dwellings is too many for this location.

Cllr Galer confirmed his support for the development as affordable housing is in great demand in the area.

Councillor Wainwright confirmed that he also supports the development and does not agree that the proposed plan is over development. Although the development can't provide parking with EV charging points for all the dwellings, this is an issue for thousands of other terraced properties in the borough. The site has been un-used for years and needs to be put into a good use and there is a desperate shortage of two-bedroom affordable housing.

Cllr Wainwright therefore proposed that the officer recommendations together with the conditions as laid out in the agenda report be approved. This was seconded by Cllr Freeman.

Following a vote, it was RESOLVED:-

That application number 06/21/0857/F be approved subject to (i) prior completion of a section 106 to secure: all 8no dwellings as affordable housing to be let as affordable rent tenure; £1,487.44 towards habitat site impacts

mitigation; and £14,172.48 towards off-site open space provision in the Claydon Ward; and the conditions presented to the meeting in the Officer's report as amended in the presentation given to the Committee at the meeting.

05 APPLICATION 06 22 0884 VCF - Former Waterworks storage and Pipeyard, (land north of 25 St Peters Plain), St Peter's Plain, Great Yarmouth NR30 2LN

The Committee received and considered the report set out on the agenda, prepared and presented by the Planning Officer Mr R Tate. The application was for removal of condition 1 of pp. 06/15/0733/F (conversion of existing garage to kitchen and toilets; siting of modular building for use as community workshops) - to allow permanent use/siting of modular building. The application was brought before the Committee at the discretion of the Head of Planning noting the concerns of Cllr T Wright and Cllr G Plant, noting the community services and heritage officer's concerns.

The Planning Officer further reported that having considered the details provided, the public benefits of the permanent siting of the existing modular building in this location do not outweigh the long-term harms that would be caused to the surrounding designated heritage assets by granting permanent permission. The proposal would fail to comply with Core Policy CS10 because it would not conserve or enhance the significance of the borough's heritage assets and their settings and would not meet the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal does not provide sufficient public benefits to outweigh the high level of 'less than substantial' harm and therefore the scheme is contrary to paragraph 202 of the NPPF (2021). As such, it is the Officers' recommendation that the application 06/22/0884/VCF should be refused.

Cllr Jeal asked for clarity if there are currently houses built on the same location that are actually backing the Town Wall. Cllr Wright highlighted on the same point that currently those houses backing the wall have plastic and metal pipe works that actually run along the Wall. The Planning Officer demonstrated a photo showing the housing and pipework, but clarified that this is not a consideration for this application. That the application in question has been assessed on its own merits against Local Plan Core Strategy CS10 that is to conserve and enhance a heritage and that removing a temporary structure would facilitate wider improvement to the heritage site

Cllr Wright wanted clarity as to who's opinion this assessment was based on. The Planning Officer and Development Manager confirmed that it is a considered opinion of the Planning Officer making a recommendation based on balanced view of relevant policies.

Cllr Myers referred to section 1.5 on the report and asked if there was any evidence of the degrading of the temporary structure ie; modular building at

present. The Planning Officer confirmed that there was no evidence one way or the other.

Cllr Hammond asked clarity on where is the evidence of harm to the heritage site and specifically the Town Wall. The Development Manger clarified that in assessing the application and the impact on the Town Wall and heritage site is not about the quality of the Wall or even the visual access to the Wall. The fact is that the temporary structure is currently placed inside the conservation area and next to other heritage assets as it is next to a grade II listed building and the medieval Town Wall. It is therefore a legal duty to have regard to the need to preserve and enhance the area with development that demonstrates appropriate design. It is therefore a considered recommendation that the public benefits will not outweigh the long term harm caused to this particular conservation area.

The Chair invited Dr H Sayer to speak on behalf of the applicant. Dr H Sayer outlined the reasons why she disagrees with the officer's assessment of the application. She confirmed that although the modular building is of temporary structure, the timber building will last a minimum of twenty years and that they have an active maintenance protocol to keep the building in good repair. They have considered the area design in their choices of colour and texture of the cladding and hence disagreed with the officer's report on sections 9.9 and 9.10. She also stated that it is impossible to put foundations on this land as it is a former bomb site. She further confirmed that recent valuation of the property for the purposes of insurance was set at £120 000. She voiced her disappointment that the officer had not visited a site at a time when activities were taken place to see it's use and purpose and benefit for the public. She further pointed at report sections 9.1 and 9.2 and would welcome least controversial view on this and what would be acceptable to build on a site considering that the foundation is not suitable to built permanent structure.

Cllr Myers asked Dr H Sayer that if the concern was raised to have modular building on site permanently, why did not consider applying for extension to the temporary permission. Dr H Sayer confirmed that they had been advised they would not get an extension.

Cllr Wright asked what community activities were carried out on this location and would it not be possible to conduct the same activities elsewhere. Dr H Sayer confirmed that this site is purposely modified for activities that take place there ie; fitness classes and renovation/recycling workshops. She further confirmed that only degrading to the modular building during the past seven years of activity had been rust on the door handle.

There were no further questions to Dr H Sayer.

Cllr Jeal confirmed that in his opinion, refusal of the application feels unjust and suggested a replacement of a wooden gate that used to be in place to lessen the visibility of the modular building.

Cllr Myers felt there was an impasse. The temporary building was still there in

a good state of repair yet if granted a permanent permission, it was considered inappropriate for the conservation area. Applicant had confirmed that they were advised against extending a temporary permission and in any event, the Committee can only view the application as it is set out today.

The Development Manager confirmed that considerations are about balancing ongoing harm to the heritage site and communal benefits on a permanent basis. He further confirmed that the value of the current temporary construction at the time of original application was quoted at £35 000 so not in line with the current valuation stated by the applicant today. He further confirmed that original application was initially considered for five years and eventually granted for ten years. He further confirmed that the Council has not provided the applicant with advice that the site is not suitable for any alternative permanent development. This is evident as previous planning applications on the same site have been approved in recent past and there are many modern techniques to overcome the challenges in foundations. He further clarified that extension of temporary permission is rare and clear public benefit needs to be demonstrated for additional or extended temporary permissions to be granted and gave an example of modular buildings used as class rooms.

Cllr Wright confirmed that he understood officer's concerns in relation to protecting the heritage, however, felt that at times there needs to be a compromise for the benefit of the wider public. Should for example a terraced house be built on the site, it would hide the visibility to the Wall the same as the current temporary structure modular building. He further confirmed that he had visited the area, and felt the modular building is a minor detriment to the area especially as that part of the Town Wall is already impacted by plastic and metal pipes with a building backing onto it. He felt that the applicant provided an important community facility in the centre of the town and referred to the considerations of a Local Plan Core Strategy CS15.

Cllr Hammond agreed that although he also appreciated that it is a heritage site, the Council has not always been consistent in protecting the visibility of the Town Wall in all the previous planning initiatives; for example the Market Gates go over the Wall. Ultimately, one can still see the Wall. He also agreed with Cllr Jeal in reference to the blue gates that were previously on site.

The Development Manager advised the Committee that the consideration is not the visibility of the Wall but rather if the current temporary structure can be considered architecturally appropriate to the conservation area in that development in the location should enhance the setting, character and appearance of designated heritage assets as set out on the Officer's report.

Cllr Wainwright felt that the current temporary structure has been in place for seven years, during which time no complaints have been raised by the public. There was a need for this type of a community facility seven years ago, and the need now is even greater than it was back then. He was therefore proposing that application should be approved contrary to officer recommendation.

Cllr Myers considered the relevant planning history outlined on the agenda report, and noted that during all this time, there has really been a limited demand for permanent development on this site, and even when approved, the developments have not gone ahead. On that basis, he considered that it was not evident that a better permanent development would be immediately forthcoming if application was refused.

Cllr Freeman confirmed that he knew the area well. He considered that good re-generation has been achieved in the past. He felt consideration needs to be long term and what ultimately happens when this temporary modular structure degrades with time. He considered that decisions need to be based on improving the area and felt that allowing temporary structure to become permanent is not a right way to go. He would possibly consider supporting extension to temporary permission but felt that the policies need to be accepted and the local heritage respected hence supported the Officer recommendation.

Cllr Hammond felt there are things that can be done to the current temporary structure to improve its appearance and design to better blend into surroundings for example gates and alternative roofing. Development Manager confirmed that these are possibilities, but ultimately approving this application might discourage any more suitable form of future development on the site.

Monitoring Officer advised the Committee that should they depart from the officer recommendations, they should be clear on the reasons to override the recommendation.

Cllr Wright suggested that this should be done on the basis of Core Policy CS15 in protecting community facility.

Cllr Wainwright proposed that the Committee reject the officer recommendation on the basis that on this occasion, the public benefit as per Core Policy CS15 outweigh the long-term harms that would be caused to the surrounding designated heritage assets as per Core Policy CS10. This was seconded by Cllr Hammond.

Following a vote, it was RESOLVED: -

That the application number 06/22/0884/VCF is approved to remove condition 1 of planning permission 06/15/0733/F.

06 APPLICATION 06 22 0946 CU - 25 to 26 Hall Quay Great Yarmouth

The Committee received and considered the report set out on the agenda, which was prepared and presented by the Principal Planning Officer Mr R Harris. This was a connected application where the applicant was the Borough Council. The proposal was for change of use of first floor for a temporary period of six years to hostel for up to 16 Adults and ancillary office space (sui generis use).

The Principal Planning Officer reported that having considered the proposal, the application is considered to comply with policies CS3, CS7, CS9, CS10, CS11 and CS16 from the adopted Core Strategy, and policies GSP1, GSP5, GY1, GY3, A1, E5 and I1 from the adopted Local Plan Part 2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval. It was therefore recommended that application 06/22/0946/CU should be approved, subject to the conditions as set out on the agenda report with added amendment to condition 3 that (iii) The occupation of the hostel use hereby permitted shall be limited to 'rough sleepers' or those at risk of rough sleeping who are homeless / street homeless and support staff connected with that use only.

Cllr Wright asked why the temporary application rather than permanent. Principal Planning Officer confirmed that the application was only submitted for temporary (six years) and this also allows for other re-development initiatives to come forward and as such, the application is also not in conflict with GY1 and GY3 policies.

Cllr Hammond was interested to know if the planned hostel would be able to facilitate dogs, as many Rough Sleepers are known to refuse accommodation offers if they need to give up their pet(s). Housing Delivery Manager Ms C Wilkins who had submitted the application on behalf of the Borough Council confirmed that the dogs would be allowed.

Cllr Myers complemented the application and the intended facility for the Rough Sleepers and how it would benefit the residents and the Council. He was also very pleased to know that considerations had been given to facilitate dogs.

Cllr Wright also confirmed his support for the application and acknowledged that despite many efforts and best intentions, tackling Rough Sleeping has been on the agenda for years and is likely to be for years to come. He hoped that eventually this accommodation may evolve to be something more permanent.

Cllr Fairhead also confirmed her support for the application and asked how long it would take to get the hostel operational. Housing Delivery Manager Ms C Wilkins confirmed that should the application be approved, it will be a priority to open the hostel as soon as possible and hopefully within next few weeks.

Cllr Wainwright also confirmed his full support for the application and proposed that the officer recommendation together with the conditions as laid out in the agenda report, with added amendment, be approved. This was seconded by Cllr Myers.

Following a unanimous vote, it was RESOLVED:-

That the application 06/22/0946/CU should be approved, subject to the following conditions:-

(i) This permission expires on [insert date six years from date permission issued]

and unless on or before this date application has been made for an extension to the period of permission and such application is approved by the Local Planning Authority the use shall be discontinued.

The reason for the condition is:-

In order to retain control over the use of the site and in the interest of the

amenities of the locality and in order to help implement the Council's future ambitions in this area laid down in the Great Yarmouth Town Centre Regeneration Framework and Masterplan.

(ii) The development shall be carried out in accordance with the application form and the following plans:

- . Site Location Plan
- . First Floor Plan
- . Parking, Bin Location and Fire Escape Route Plan

The reason for the condition is:-
For the avoidance of doubt.

(iii) The occupation of the hostel use hereby permitted shall be limited to 'rough sleepers' or those at risk of rough sleeping who are homeless / street homeless and support staff connected with that use only.

The reason for the condition is :-

In order to retain control over the use of the site and in the interest of the amenities of the locality and in order to help implement the Council's future ambitions in this area laid down in the Great Yarmouth Town Centre Regeneration Framework and Masterplan.

(iv) Only the sixteen rooms labelled as Bed 6 - 21 (inclusive) on the approved first floor plan shall be used by rough sleepers and no more than 1 adult shall occupy any of these rooms at any one time.

The reason for the condition is :-

In accordance with what was applied for and to ensure suitable accommodation for all occupiers in terms of space standards.

(v) The office space hereby permitted within the rooms labelled as Bed 1 - 5 (inclusive) on the approved floor plan shall be ancillary to the hostel use for Page 66 of 68 'rough sleepers' only and shall not be occupied as a separate and

unassociated office use.

The reason for the condition is :-

In order to retain control over the use of the site and in the interest of the amenities of the locality and in order to help implement the Council's future ambitions in this area laid down in the Great Yarmouth Town Centre Regeneration Framework and Masterplan.

07 ANY OTHER BUSINESS

None.

The meeting ended at: 19:45

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

Applicant: Lidl

Proposals: Proposed demolition of existing building and erection of a new discount foodstore (Use Class E) with access, car parking, landscaping and other associated works

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

Site Location Plan: See Appendix 1

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

REPORT

1. Site Description

- 1.1 The site, of 1.18 ha, is located to the south-east of Pasteur Road, between the Gapton Hall Roundabout (junction of Pasteur Road A1243 and the A47) and the 'Tesco roundabout' at the junction of Thamesfield Way, Pasteur Road and Jones GC Way which leads into Cobham. The site is bounded by the A47 to the south-west, A1243 Pasteur Road to the north, and Thamesfield Way to the north-east.
- 1.2 The site is part of the employment area now known as the Yarmouth Business Park, which comprises 17.5ha on the eastern side of the A47 opposite the Harfreys Industrial Estate to the south-west.
- 1.3 The site is a former office with curtilage used for industrial storage, for the benefit of use by businesses in the offshore industry sector, most latterly Parenco. The office / industry use had vacated by 2016 and the empty office site was then converted to use as a further education college (GY Charter Academy: Trafalgar College) from 2016 until 2019.
- 1.4 The existing buildings on the site comprise a red-brick and glazed vacant two-three -storey building last used for education (the former Trafalgar College) and

a tall dual-pitched roof warehouse along the Pasteur Road frontage. The site and buildings have been unused for some time.

Neighbouring uses

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

Site Constraints

- 1.10 The site is within the defined Development Limits set by Local Plan Part 2 policy GSP1, and within a 'Safeguarded Employment Area' which extends the full length of Thamesfield Way, in conjunction with the land north of Pasteur Road and south of the A47, all designated under and subject to Policy CS6 of the adopted Core Strategy.
- 1.11 The site is located in Flood Zone 3. Pluvial flood risk from 1 in 1000 yr events is plotted as likely to occur on this site but not from 1:100 or 1:30 year events (the reason for flood zone 3 status relates to tidal over-topping of the sea defence to the east).
- 1.12 There are no listed buildings within or in close proximity to the site and the site is not located within or close to a Conservation Area.
- 1.13 There are no protected trees within the site, but there are areas of planting to the Pasteur Road and A47 frontages.

2. **Proposal**

- 2.1 The proposal is for a single storey publically available retail foodstore shop with associated storage and infrastructure, delivery area and 136-space car park. A New access into the site is proposed from Thamesfield Way.
- 2.2 The applicant currently operates a foodstore from Pasteur Road, to the north of this application site, and has confirmed that they are planning to close their existing store before opening a new store in this location; such a proposal is a fundamental aspect in considering the impacts of this application.
- 2.3 The application site is 11,787 sq m / 1.18 ha in area.
- 2.4 The application proposes 2,342 sqm Gross Internal Area floorspace.
- 2.5 The total retail sales area of the floorspace proposed in this new Thamesfield Way foodstore amounts to 1,411 sq metres of the total GIA, which breaks down as:
- 1,129 sq m (80%) convenience shopping (i.e. food goods); and
 - 282 sq m (20%) for comparison goods (non-food non day-to-day needs).
- 2.6 The remainder of the floorspace is proposed for warehouse storage and delivery (569sqm), and staff / utility space (362sqm).
- 2.7 This Thamesfield Way scheme (2342sqm) is proposed to be almost twice as large as the existing Pasteur Road Lidl store (1374sqm GIA).
- 2.8 The Pasteur Road Lidl store has a Gross Internal Area of 1,374 sq.m, and a net sales area of 1,063 sq m floorspace, comprising:
- 850 sq m convenience shopping; and
 - 213 sq m comparison shopping.
- 2.9 This application may propose an increased floorspace of 901 sq m Gross Internal Area net increase, but in terms of it's potential impact on other centres, the net additional sales area is actually only 348 sq m new floorspace, comprising:
- an increase of 279 sq m for convenience sales; and,
 - an increase of 69 sq m for comparison goods.
- 2.10 The proposed building features a 3-degree mono-pitch roof facing southeast and is steel framed and insulated metal sheet clad. There is a mezzanine of 67 square metres, this area being for non-retail functions (e.g. staff office), and which also acts as a place of safety during flood events.
- 2.11 Space for 136 car spaces is proposed, including 8 disabled spaces and 9 parent & child spaces. There are 28 EV charge points overall, including 2 disabled

spaces with EV charging. 12 cycle spaces (6 stands) are provided outside the glazed frontage.

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

Environmental Impact Assessment screening

- 2.18 A screening opinion for the above proposal was requested as per Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Officers have determined that an Environmental Impact Assessment is not required (EIA Screening Reference: EIA/TH/2022/1).
- 2.19 In formulating this screening opinion, officers have reviewed the matters related to Schedule 3 of the EIA Regulations, using information in the applicant's submitted screening request letter (received 09 August 2021) as well as screening opinion consultation responses received by the Council by statutory and non-statutory consultees. This justification is provided in full within

3. **Relevant Planning History**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Consultations

- 4.1 The proposal is a major development and represents a departure from the adopted local development plan by virtue of being an out-of-centre retail use proposed within a safeguarded employment area, so has been subject to public consultation with site notices and by press advert for both reasons.

- 4.2 Unfortunately it was only recently noticed that the development was not originally advertised as a departure from policy, and the subsequent consultation period does not end until 10th March 2023. Any responses received will be reported to the Committee meeting, and it is recommended that any decision to approve the application is subject to there being no adverse comments received, relevant to the principle of development, before 11th March; should any arise, which is considered unlikely given minimal responses received to date, a decision would not be issued and the application would be reported back to Committee.

Public comments

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

SUPPORT

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

Officer comment:

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

OBJECTIONS

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

Officer comment:

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

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

- The impact on health of local centres and status of health of existing centres
- Limited retail capacity available in the Borough
- Policies have not identified new retail floorspace provision requirements
- The retail impact assessment threshold is 200sqm for a reason which is not reflected by the nature of the RIA
- The RIA has not ruled out harm to the town centre and is misleading
- The retail quantum could present a threat to future town centre investment
- Pedestrian access is insufficient / links are unavailable
- It is an unsuitable site for a retail use
- The retail sequential test is incomplete
- Marketing for alternative uses at the site has been inadequate for CS6

- A mechanism is needed to secure closure of the existing store.

Ward Councillors

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

4.5 EXTERNAL CONSULTEES

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

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

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

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

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

<ul style="list-style-type: none"> • The proposal should provide a design that has clear lines of sight for Natural Surveillance. The use of mirrored film/glazing at receptions/offices can create the impression that all activity is being observed and has a direct impact on behaviour. • The provision for car parking is shown as being adjacent to buildings with active windows overlooking and has appropriate levels of Natural Surveillance. • The securing of cycles left unattended must be considered, cycle stands provided must facilitate the locking of both wheels and the crossbar. • The building's reception entrance and car park should be clearly signposted from the entrances onto the site. • The landscaping plan needs to provide all specified shrubs and hedges that have a maximum growth height of one metre, whilst all trees should be "up pruned" to a minimum height of two metres to maintain a clear field of vision around the site. • A lighting plan to cover all vulnerable areas should be in place and coordinated with a CCTV installation. 	
Officer comment / response:	Most measures can be included by planning condition, but the overall advice is welcomed. It is not considered necessary for amendments to the site entrance in the form of brick pillars.
Any relevant Condition or Informative note?	Conditions will be proposed to the Committee ahead of the meeting.

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

4.6 INTERNAL CONSULTEES

GYBC Tree Officer:	No objection subject to conditions
There are no replacement trees being planted as part of the landscaping plan only Shrubs and Grasses. Some tree planting should be secured to offset this tree loss as part of the land scaping plans. Upon the grassed area to the west of the site is suggested.	

<p>UK Native species should be used; preferably similar species found within G28 and G43 upon the Tree Survey to replicate the trees within the vicinity to the site. (Alder, Oak, Maple, Field Maple, Birch).</p> <p>Further information on off-site planting –</p> <p>The northern site boundary shrub species selection (Laurel, Cotoneaster, viburnum etc) can all establish in the tough conditions at the roadside and also ‘grow up’ to suitable heights to provide a good/wide/thick/deep screen (in addition to the ‘external’ vegetation along the other side of the site boundary).</p> <p>The tree species selection will also establish in this location (west of the proposed building) and when mature will provide a good green resource.</p>	
Officer comment / response:	Tree planting should be provided to add height and structure to the site’s landscaping scheme and visual amenity.
Any relevant Condition or Informative note?	Conditions will be proposed to the Committee ahead of the meeting, including: Landscaping and planning plans to be agreed Landscaping schedule Replacement tree planting

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

Environmental Health Officer	No objection subject to conditions
Contamination investigations are required, given the ground conditions, but the use is not unacceptable in principle. The contaminated land assessment proposes “further steps” are needed to further define the thickness and type of hardstanding areas and check for any hydrocarbon leeching in the soil both under and alongside the hardstanding areas. A Foundations Works Risk Assessment should be completed to inform future piling and ground works, and to establish any associated monitoring requirements. Other requirements include Material Management Plans and Ground Gas surveys and mitigation.	

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

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

5. **Relevant Planning Policies**

The following policies are relevant:

Great Yarmouth Core Strategy (adopted 2015)

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

Great Yarmouth Local Plan Part 2 (adopted 2021)

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

National Planning Policy Framework (July 2021)

Section 4: Decision Making
Section 6: Building a strong, competitive economy

Section 7: Ensuring the vitality of town centres
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment

6. **ASSESSMENT**

6.1 Main Issues

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

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

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

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

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

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

Principle of Development : Employment land policy

- 6.2 Policy CS6: Supporting the local economy, has defined particular areas around the Borough which are designated as ‘Safeguarded Employment Areas’,

including this site as part of the wider Yarmouth Business Park covering land north and south of Thamesfield Way.

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

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

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

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

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

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

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

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

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

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

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

- There is a satisfactory relationship between the proposed use and any pre-existing neighbouring uses, without significant detriment to the continuation and amenity of existing or proposed uses*

- *There is no commercial interest in the re-use of the site for employment, demonstrated by suitable marketing at an appropriate price for at least 18 months*
- *A sequential viability test has been applied following the unsuccessful marketing of the site, based on the following sequence of testing: mixed use of the site that incorporates an employment-generating use, then non-employment use”*

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

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

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

7. Use of designated ‘Safeguarded Employment Land’

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

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

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

7.2 The policy’s intent is that criteria (i) must be satisfied in all cases, then criteria (ii) to demonstrate whether employment uses are likely to come forward at the site; and then criteria (iii) to demonstrate whether the site could viably host employment uses in some form, before considering or relying on non-employment uses.

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

Site marketing and viability –

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

subsequent marketing since the school use ended. The marketing reports have shown varying results which are accepted as demonstrating no realistic prospects of development for employment use at this site in the current climate, and the only feasible alternative with some form of 'employment use' included was to create a situation akin to what is currently under consideration.

8. Future employment land protection

Borough-wide requirements

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

Viability & vitality of the Yarmouth Business Park employment land

- 8.6 The ELNA does include an up-to-date assessment of the 'health' of the existing Yarmouth Business Park (employment land area EL05 in the Employment Land Needs Assessment).
- 8.7 It finds there are 29 individual units in the business park which offers 21,549sqm overall:
- 15 units are in employment use, comprising 10,601 sqm, or 49% of the overall floorspace.
 - 12 units are in active but non-employment use, comprising 8,792sqm (41% of the available floorspace).
 - 2 units are vacant (10%) (including the application site), comprising 2,156 sqm.
 - 1.5ha of land is currently undeveloped but potentially suitable for employment use.

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

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

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

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

9. The site’s existing permission and its planning use

- 9.1 The site’s Planning History is a material consideration to the principle of development in this location and its assessment of the impacts on employment land supply.

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

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

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

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

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

9.9 It is reasonable to assert that the current application does go towards the primary aim of the policy in that it is for a retail use which minimizes impacts and satisfies policy R7 and which creates jobs.

9.10 Nevertheless, that is not to say the new foodstore use is automatically to be accepted in this location because it must still be subject to retail-location policies discussed below, but the site’s current status is nonetheless a material planning consideration.

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

Policy background

10.1 Policy CS7 (f) policy (f) requires that other potential sites closer to the town centre are considered for their sequential appropriateness and that the site is accessible by sustainable transport.

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

10.3 In reflecting the impact from, and recent growth of, new foodstore retailing, the Local Plan Part 2 actually deleted parts of policy CS7 to remove the reference to identifying new foodstore floorspace locations, having included specific

requirements in new district centre allocations at Caister and Bradwell, for example.

- 10.4 In creating the Local Plan Part 2, the background retail capacity refresh study determined that there was no need for any new retail (food or non-food) floorspace to be allocated over the short (to 2025) and medium (to 2030) term. There was little or no further need in the long (to 2040) term, however this lies beyond the current period of the Core Strategy and LPP2 plans and will be considered again as part of any new retail needs assessment through the next review of the Local Plan.
- 10.5 As such, the most recent evidence available since the adoption of the Core Strategy showed there is no longer a quantitative need for new food and non-food shopping floorspace. Consequently, there is not a requirement under national policy for the Council to have specifically identified or allocated sites for new retail-led development, hence deleting the previous retail requirement provided in Policy CS7b). Where market interest and demand does arise for new retail development, this will ordinarily be supported in the town, district and local centres in accordance with the plan's retail hierarchy in Policies CS7 (as amended), CS17, R1, R5 and where land is allocated to create a new or expanded district/local centres.

Location / Sequential test requirements

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

"Where there are no suitable or available sites within the designated centre, proposals for main town centre use development which are otherwise in accordance with Policy CS7 (as amended by Policy UCS7) will be permitted on edge of centre sites.

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

Where there are no suitable or available sites within designated centres or edge of centre sites, new town centre use development will be permitted

on out of centre sites within the Development Limits providing it is otherwise in accordance with Policy CS7 (as amended by Policy UCS7), and:

- a. the location is accessible by public transport and is accessible to pedestrians and cyclists;*
- b. the site has good links to the designated centre, or links can be improved;*
- c. the proposed use either individually or cumulatively does not undermine the attractiveness or viability of the designated centres; and*
- d. the site will not impact upon other neighbouring uses, in terms of traffic, parking and amenity issues.”*

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

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

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

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

10.11 The store’s design need not be restricted to surface-level delivery and sales, as is experienced elsewhere where sites can include below-ground servicing or upper-level or multi-level sales; these are considered operator-led preferences and likely a viability concern, but on a constrained small site size as this it is necessary to accept that deviation from a standard model may be unfeasible.

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

Policy R7 (a) - (d)

- 10.18 Criteria (a) and (b) concern the site's accessibility. The site is located

approximately 1.05km south-west of the Great Yarmouth Town Centre via Pasteur Road, the boundary of which is Hall Quay on the north side of the river, as identified on the proposal map in the Local Plan Part 2 (policy USC7).

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

11 Principle – Retail foodstore impacts

- 11.1 Fundamental to the possible impacts of the development is the intended future use of the existing Lidl foodstore on Pasteur Road. If the existing store were able to continue to trade as a foodstore, whether by the same or a different operator, the impacts on nearby defined centres would be markedly different and potentially much more severe.
- 11.2 In acknowledging this, the applicant has confirmed that this is a replacement foodstore to be used only when the existing is closed. To that end, the applicant has agreed to enter into planning obligations which require closure and cessation of the existing foodstore retail use of the Lidl on Pastur Road. Doing so means the associated retail impact assessment can be more focussed in its coverage and in-depth analysis.
- 11.3 The submitted Retail Impact Assessment has therefore only assessed the impacts of the net-additional floorspace created above that of the existing Lidl floorspace on Pasteur Road. The net increase in sales floorspace is therefore only 348 sqm. The 200sqm threshold in policy R7 does not mean the impact of concern is limited to only 148sqm (348 less 200), only that the critical mass to create an impact is from stores or extensions that have at least 200sqm floorspace.
- 11.4 The RIA has looked at the impact across a catchment area of 5 minute driving from the application site. This catchment area may not be considered

appropriate were it for any other form of retailer, even supermarket or other foodstore providers, but in this case the operational model of the proposal has a format of a mass discounter, the effects and catchment area of which has been understood and is well established (at least based on the trends from before the covid and current economic crises).

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

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

12 Highways safety, parking and network impacts

- 12.1 In addition to ensuring the development is safe for users of the highway network, the site's accessibility to communities is also key to whether it is appropriate for a retail foodstore.
- 12.2 The levels of parking required also contributes to the development being safe in the local highway network; if there is an undersupply of expected spaces there is a risk of 'overflow' onto surrounding roads. It is not considered that the additional traffic flows that arise would impact on the highway network.
- 12.3 The proposed development of 2,275sqm GIA requires up to 163 car parking spaces on site, but this proposal includes only 136 spaces. The Local Highway Authority originally suggested the quantum of parking is too low, but the applicant has provided details to support their assertion that customers to Lidl and other discount food retailers like Aldi and Netto spend less time on site than other larger size supermarkets where the range of goods typically purchased is of a greater extent than with such "deep discounters". It is considered that this argument has some merit, and, in any case, technical under-provision encourages alternative travel mode. Similarly, if a new user was to purchase the site, then the under-provision would be a matter of fact on the site, and this would inform choices by potential operators. Ultimately the parking standards are maximum figures, so the under-supply of 27 spaces is not contrary to policy

and development of the site as proposed will not cause unacceptable safety impacts.

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

13 Flood risk and drainage

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

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

14. Design, amenity, landscaping and ecology

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

15. Material Consideration: Predicted jobs growth

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

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

- 15.6 The number of FTE jobs that are forecasted to be created by this development are much less than the original use of the site as offices. However, that has to be viewed with some caution given that (i) it is not clear that an office use exists at the site anymore, and (ii) the offices have been marketed and proved insufficiently attractive for reuse, perhaps given their slightly aged status and the

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

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

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

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

16 Local Finance Considerations

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

17 The Planning Balance

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

18 **Conclusion and Recommendation**

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

RECOMMENDATION:

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

- (i) the conclusion of the current consultation period on 10th March if no additional objections are received relating to issues not already

discussed herein, and in the event that new objections are received which have not been assessed in this report, to revert back to Development Control Committee;

and,

- (ii) subject to satisfactory completion of the section 106 agreement to restrict future uses of the applicant's Pasteur Road store;

and,

- (iii) subject to a range of conditions which will be presented by way of update / addendum report ahead of the Committee meeting.

Appendices:

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



NO. 14126408 NO. 14126411 NO. 14126412

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REV.	DATE	DESCRIPTION



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client
Lidl UK GmbH

project
New Store
Thamesfield Way
Great Yarmouth

drawing
Location Plan

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

Page 47 of 76

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Areas Table

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

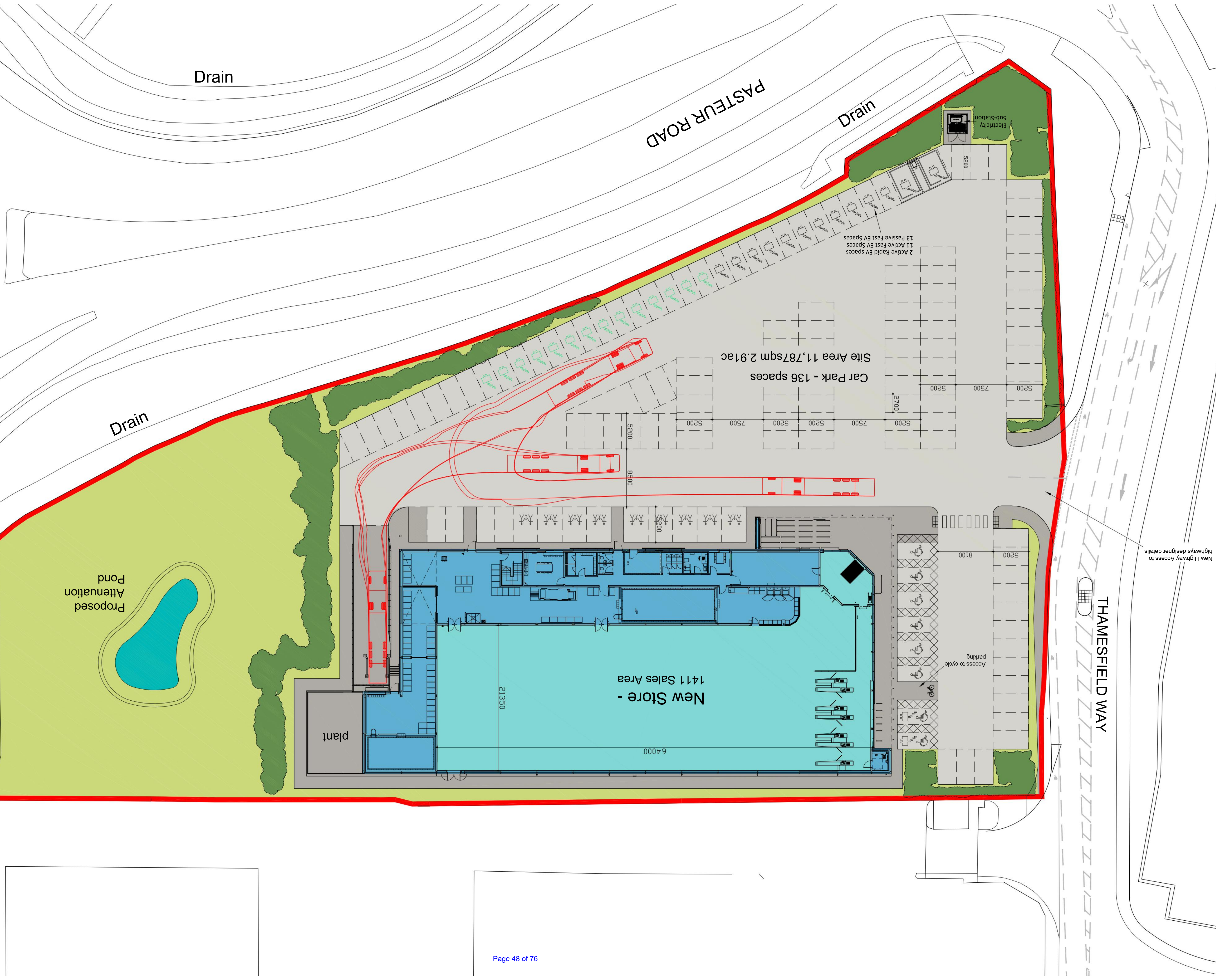
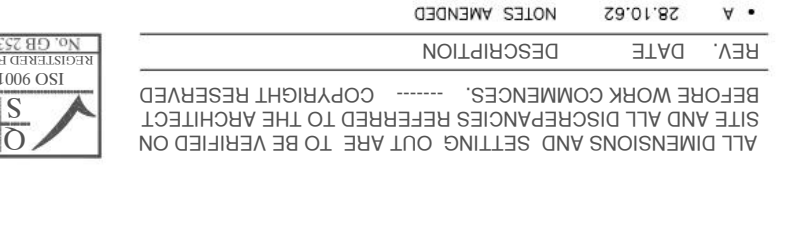
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REV. DATE DESCRIPTION

- A 28.10.22 NOTES AMENDED
- B 09.11.21 FLOOR PLAN UPDATED TO LATEST SPEC
- C 14.12.21 MEZZANINE FLOOR
- D 25.05.22 EV SPACES UPDED
- E 26.05.22 HIGHWAY WORKS, CYCLE ACCESS, PARKING LAYOUT UPDATED
- F 02.02.23 ATTENUATION POND ADDED
- G 07.02.23 HIGHWAYS DESIGN UPDATED

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Schedule of Planning Applications

Committee Date: 22 February 2023

Application Number: **06/22/0955/F** - [Great Yarmouth Borough Council \(great-yarmouth.gov.uk\)](http://great-yarmouth.gov.uk)

Site Location: Former Palmers, Store 37 - 39 Market Place, Great Yarmouth, NR30 1LU

Site Location Plan: See Appendix 1

Proposal: Proposed change of use from retail/commercial into education use to accommodate the relocated Great Yarmouth Public Library and provide new space for University classrooms and Adult Education (F1 (a) (d) uses); Ancillary associated uses; proposed external repairs to building fabric; Replacement door & windows; New ground floor entrance to Market Place; Internal amendments to facilitate new use; New external staircase

Applicant: Great Borough Council Town Hall Hall Plain Great Yarmouth Norfolk NR30 2QF

Case Officer: Nigel Harriss

Parish & Ward: GY Central/Northgate

Date Valid: 16 November 2022

Expiry / EOT date: 28 February 2023

Committee referral: Constitution (Connected application).

Procedural note 1: For connected application. This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 16 February 2023 and the Monitoring Officer has checked the file and is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

RECOMMENDATION:

APPROVE SUBJECT TO IMPOSED CONDITIONS

REPORT

1. The Site

- 1.1 The site relates to the vacant former Palmers department store/retail outlet, located on the west side of Great Yarmouth Market Place. Banks exist either side of the premises of smaller scale in terms of height and to the rear is Stone Cutters Way and pay and display car park off Howard Street South. The premises are located over 5 floors [four stories high including a basement and spread over 5,000 + square metre floor area].
- 1.2 The site comprises of a five-storey building on the eastern side, where the basement, ground, first, second and third floors occupied the former retail area. The western side of the building consists of 2-3 storeys which formed the ancillary warehouses, back-of-house and storage spaces when the building was used as a department store.
- 1.3 Footway provision along Stonecutters Way, Black Swan Row and Austin Row provide good linkage between the Market Place and the rear of the site. There is no dedicated vehicle access

or car parking associated with the building. The site can be accessed from the public Howard Street South car park – which is part-owned by GYBC – with deliveries accessing the site via the northern boundary through Stonecutters Way.

- 1.4 The site is within Conservation Area No. 2 Market Place, Rows and North Quay and a few doors down from Numbers 34 and 35 Market Place and 32 and 33 Market Place which are both Grade II Listed Buildings [shops with residential above].

2. The Proposal

- 2.1 The premises are now owned by GYBC whom in working with public and private partners seek to deliver a learning and community hub – ‘Great Yarmouth Library and University Centre’. In addition to the uses/works which require planning permission as applied for in the description of development, there are other uses proposed within the mix of uses that do not require planning permission as the former retail store [former Use Class A1] now falls within the new Use Class E, like office, and food and drink for consumption mainly on the premises etc.

- 2.2 Below is a breakdown of the proposed uses from basement to third floor level:

- Basement –

Storage in connection with on-site uses, principally Library store

Multi-use learning area for library and community use

- Ground floor

- Shared foyer with level access from Market Place and also a secondary access to the registrar’s from the car park side.
- Café and community space with a potential teaching kitchen
- Group learning space and exhibition area, which are open to building users and the public
- Public library, including a children’s library able to accommodate ‘open library’ usage with self-service
- Library delivering point and staff entrances and spaces (staff workrooms, offices and exclusive access to the goods lift to the library storage in the basement)
- Small and medium sized meeting rooms for use by voluntary and community groups to deliver services and activities such as Citizens Advice and Adult learning classroom spaces
- Registrar’s services
- WC’s and kitchenettes
- Educational space within former Stonecutters Way workshops

- University secure lobby [internal]; side access from Stone Cutters Way; and rear access from Howard Street South where covered cycle parking will be provided as well as an electricity sub-station
- Stairs and lift to basement up to third floor level
- First floor –
 - University centre
 - Adult education and access to higher education classrooms and seminar rooms
 - Student support service, learning centre and student lounge
 - Offices and staff rooms, counselling, and pastoral care rooms
 - Designated digital and creative art and design teaching spaces
- Second and Third floors
 - Designated teaching spaces, Classrooms, Staffroom and student learning space.

2.3 In terms of the component buildings/structures there will be retainment of the existing building fabric, including external walls and structural elements and the removal of the existing internal layout and fittings.

External works will include the removal of windows, roofs, rainwater goods and design alterations to the façade to facilitate its new use with the main details as follows –

- East elevation to Market Place/Stonecutters Way
 - Existing ground floor shop facade to be removed and new hardwood glazing system installed
 - Existing signage and canopy to be removed and new powder coated aluminium frontage fascia introduced with balustrades above
 - Existing rainwater goods to be replaced with matching black cast iron.
 - Existing stonework and brickwork to be overhauled and repaired with matching materials
 - Existing first to third floor timber windows to be overhauled and repaired with white painted finish
 - Existing slate roof to be stripped, insulated, and repaired, including domed slate roof and flagpole to be overhauled and repaired
 - East elevation to Stonecutters Way to be made good, some window openings bricked up and doorway and windows replaced with powder coated aluminium

- West elevation to Howard Street South
 - Existing pvc windows to be removed and openings adjusted to receive new powder coated aluminium escape doors
 - Existing pvc windows to be removed and redundant openings bricked up
 - Existing slate/concrete tiled roof to be stripped, insulated and repaired and existing perspec roofing sheets to be replaced and roof adjusted to received salvaged/new slates
 - Two existing fire escapes to be replaced
 - Removal of crittal windows and new slim line powder coated aluminium windows inserted
 - Brickwork and render to be repaired/repainted
 - Existing asbestos roof to be replaced with powder coated composite roof
- South elevation to car park and Austin Row no 60
 - Stone cladding and canopy to be removed and rendered finish over
 - Removal and bricking up of some windows and replacement of others with powder coated aluminium with louvres over
 - Removal of glazed rooflight and new slate roof over
 - Stained glass windows to be overhauled and made good as well as stained glass roof lantern with leaded roof finish
 - New slate roof section over existing flat roof/parapet
 - Other making good of south elevations to Stonecutters Way and alleyway adjacent rear access route
- North elevation to Stonecutters Way and Row 51
 - Removal of crittal windows and new slim line powder coated aluminium windows inserted
 - Some existing windows bricked up and other openings adjusted to suit new powder coated aluminium windows
 - Replacement timber doors with fanlights over to workshops
 - New external escape to Stonecutters Way

2.4 Internal alterations are proposed to achieve minimal internal full height walls on the ground floor to achieve lines of sight and create open space together with opening a void or central core to

the ornate rooflight above which will allow daylight to permeate across ground and first floors. The first floor and above will consist entirely and exclusively of learning space housing the university centre, adult education and access classrooms and seminar rooms and will have more enclosed layouts.

2.5 The area of the former boiler room and enclosure – now demolished, will house an electricity sub-station and covered parking for 20 cycles and south of this, seven parking spaces associated with the former department store will be removed to create level space for rear escape areas and delineation marking.

2.6 The indicative staffing levels are expected to be as follows:

- University Centre – 40 overall – but many will be sessional teachers. Approximately 10-15 in the building at any one time during operational hours
- Library and Registrars – 12 overall – usually three registers and five library staff in the building during operational hours

2.7 The hours of operation will vary by the user. The indicative hours of operation are summarised below:

- University Centre – 8.30 – 21.00 Monday to Thursday, 8.30 – 18.00 Friday. Students will have open access (using their student ID cards) to some areas for independent study on Saturdays and Sundays 8.30 – 18.00. Most classes are in the daytime, but there are also many evening classes in the week, and occasionally on weekends
- Library and Registrars The library open hours will remain the same as the current library open hours Monday to Friday: 9.30am to 7pm (8am to 9.30am Open Library access only) Saturday: 10am to 4pm (8am to 10am Open Library access only) Sunday: 10am to 4pm (Open Library access only) Open Library provides card access for users when the library is unstaffed

2.8 The application is accompanied by the following supporting documents:

- Design and Access Statement
- Planning Statement
- Transport Statement and Travel Plan
- Heritage Statement
- Front Balustrade Design Analysis

2.9 Additional supporting information from Great Yarmouth Borough Council regarding this regeneration Project –

Great Yarmouth library and university centre

“We are working towards creating a £15m new library and university centre in the former Palmers department store in the Great Yarmouth Market Place.

East Coast College and the University of Suffolk have formally committed to the scheme. The college will teach degree level courses at the new centre, accredited by the university.

The University of East Anglia is also backing the project, with plans to offer remote learning facilities for its students and professional development courses.

Norfolk County Council intends to create a new library, to replace the existing facility in Tolhouse Street, and will also host the county's award-winning adult learning service, registrars, and other information and community services.

In addition to the funding from East Coast College, the University of Suffolk, and Norfolk County Council, the project is being backed by nearly £7.5m from central government via Great Yarmouth's Town Deal programme and £2.4m from the Future High Streets Fund, secured by Great Yarmouth Borough Council.”

3. Site Constraints

- 3.1 The site is within Conservation Area No. 2 Market Place, Rows and North Quay.
- 3.2 The site is within the setting of two nearby listed buildings – Numbers 34 and 35 Market Place and 32 and 33 Market Place which are Grade II Listed Buildings.
- 3.4 The site is outside the flood risk zones from rivers and sea and is not at risk of surface water flooding.

4. Relevant Planning History

- 4.1 06/02/0549/F - Remove superimposed arches from framework, install new entrance doors (one set automatic). Approved July 2002
- 4.2 06/22/0805/F - Proposed demolition of plant room, external wall to plant area and associated flue. Approved November 2022

5. Consultations

5.1. Statutory Consultees

Norfolk County Council Highways	Response: No objection
<p>The Highway Authority raise no objection but would recommend the following condition and informative note be appended to any grant of permission your Authority is minded to make</p> <p>SHC 14 No part of the proposed structure (to include fascia board/rainwater guttering) shall overhang or encroach upon highway land and no gate/door/ground floor window shall open outwards over the highway.</p> <p>Reason: In the interests of highway safety.</p> <p>SHC 21V Prior to the first occupation/use of the development hereby permitted the proposed cycle parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.</p> <p>Reason: To ensure the permanent availability of the cycle parking in the interests of satisfactory development and encouraging the use of sustainable modes of transport.</p> <p>SHC 35BV The Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the</p>	

development is occupied subject to approved modifications agreed by the Local Planning Authority as part of the annual review.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

Officer comment / response:	Noted – in terms of no doors on the ground floor being allowed to open out/encroach onto highway land – but in an emergency doors may have to open outwards.
Any relevant Condition / Informative note?	Suggest these are conditioned accordingly with minor revision to SHC14 as discussed above

Norfolk Fire & Rescue Service	Response: No objection
I do not propose to raise any objections providing the proposal meets the necessary requirements of the current Building Regulations 2010 – Approved Document B (volume 2 – 2019 edition) as administered by the Building Control Authority.	
Officer comment / response:	This will be dealt with under Building Regulations application
Any relevant Condition / Informative note?	No condition necessary, can be added as an informative

Norfolk Police – Designing out Crime Officer	Response: No objection
<p>As the local Designing Out Crime Officer my role within the planning process is to give advice on behalf of Norfolk Constabulary in relation to, the layout, environmental design and the physical security of buildings, based upon the established principles of ‘Designing out Crime’.</p> <p>I have no objection to the proposed new use of the building however have some security recommendations to support the refurbishment to communicate to you.</p> <ol style="list-style-type: none"> 1. Replacement windows are recommended to be certified to PAS 24:2022 P1A Standard. 2. All new wall glazing is recommended to be certified to PAS 24:2022 PA1 or LPS 1175 Issue 7 SR1 or STS 202: Issue 3 BR1 – unless it is to be protected by a LPS 1175 roller shutter or grille. 3. New access doors to be certified to PAS 24:2022 or LPS 1175 Issue 7 SR2 or STS 201 or STS 202 Issue 3 BR2. It is expected that all doorset products are fit for purpose and therefore certification to the follow material specific standards is also recommended: • BS 6510:2010 (Steel) • BS 7412:2007 (PVCu) • BS 644:2012 (Timber) • BS 8529:2010 (Composite) • BS 4873:2009 (Aluminium) 4. Door recesses should be avoided as they provide opportunities for crime and anti-social behaviour. 5. Installation of an evidential quality CCTV System is recommended. 6. Installation of a public address system is recommended. 7. Installation of a monitored intruder alarm is recommended. 8. Appropriate rule setting signing to be displayed 9. Any Staff only areas to be protected by keypad access 10. Consideration of a KeySafe (certified to LPS 1175) 	

Officer comment / response:	These are matters for the applicant to consider in implementing the proposal
Any relevant Condition / Informative note?	No condition necessary, can be added as an informative

5.2. Internal Consultees

GYBC Strategic Planning	Response: No objection
<p><u>Location & Use</u></p> <p>The site is located within the Great Yarmouth Town Centre and Primary Shopping Area, with the eastern elevation running along the 'protected shopping frontage'. The proposed scheme is largely compliant with Policy GY1 of the Local Plan Part 2 (LPP2) as it re-purposes and reconfigures a vacant building and has the potential to significantly enhance the building's appearance and the wider townscape, it will also provide training and learning which could support local businesses. The proposal also has the potential to benefit the 'Great Yarmouth Town Centre Regeneration Framework and Masterplan' GY TC Masterplan 2017 LQ.pdf (great-yarmouth.gov.uk) which seeks to enhance the market place and heart of the Town Centre as key leisure and visitation spaces. Policy GY1 also has regard to the 'Future High Street Fund' Great Yarmouth Borough Council submits £20m town centre regeneration bid to Government - Great Yarmouth Borough Council (great-yarmouth.gov.uk), whereby one of the aims is to enhance the library and provide a learning hub in a more central location, with the Palmers store as the identified location.</p> <p>Policy R1 of the LPP2 provides support to new Main Town Centre Uses (as defined within national policy) within the designated Town Centre. The planning application form sets out a loss of 5,285m² of shopping floorspace (which would fall under Class E a)), with the same gain in library and educational uses (which now falls under Class F1). Such uses are not specifically referenced within the National Planning Policy Framework (NPPF) glossary definition for Main Town Centre Uses, though there are clear linkages with leisure, arts, culture and museums (most of which also fall under Use Class F1). It is worth noting that the Government extended permitted development rights to include libraries as an acceptable temporary change within town centres 'to provide a greater mix of uses on the high street and increase footfall, and bring community uses closer to communities' (NPPG). Clearly, consideration must be given as to whether this permanent loss of shopping (retail) space albeit from a vacant unit to a library and education centre is acceptable.</p> <p>In terms of 'Protected Shopping Frontages' under Policy R2 of the LPP2, while the wider scheme is not Class E, the proposal is to maintain an active frontage at the ground floor level with a café at the southern half and a seating area at the northern end. The frontage will maintain a full width hardwood glazing system. Given that the existing unit remains vacant and there is a clear community service function to visiting members of the public proposed, it is considered likely that the proposed use will generally support the vitality of the Town Centre.</p> <p>Policy CS15 of the Core Strategy requires a positive approach to the development of new and enhanced community facilities, including the promotion of mixed community uses in the same building, especially where this improves choice and reduces the need to travel. The site is located in the centre of the Town which is extremely accessible and supports travel by foot, cycle, bus, and train as well as private car. There is no indication within the supporting</p>	

documents as to whether the relocation of the library will result in any quantitative gain, though it is assumed that it will result in a quality enhancement. Given the scale and potential use of the library facility, this could be considered as 'strategic infrastructure'.

Policy C1 provides support for new educational facilities within Development Limits. The proposed education use has the potential to build capacity for locally trained high skilled workers, and offers connections to further education through the University of Suffolk and University of East Anglia. These are opportunities that currently do not exist within the Town; and therefore such considerations should be appropriately weighed up.

Design & Heritage

The building is not formerly listed, but clearly merits consideration as a non-designated heritage asset with significant internal and external features and its wider contribution to the market place. The site is located within a designated Conservation Area as part of the Market Place and historic Rows. The building is a significant feature within the Conservation Area as it projects one of the widest frontages of historic value in the Market Place. A detailed Heritage Impact Assessment has been provided to support the application, which has considered local details such as the identification of three historic rows within the site. The proposed external design seeks to complement its original Victorian features. The proposal also aims to retain and where possible enhance internal features. The NPPF requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. Overall, it would appear that the shopping use over many years has chipped away at some of the building's historic value, which could be restored and enhanced by the application proposal. This largely satisfies the requirements of national policy as well as Policies CS10 and E5.

Conclusion

While the application proposes a non-town centre use within the designated Town Centre and Primary Shopping Area, there are clear benefits to a proposed community use which will serve members of the public and those learning with the potential to increase local skills. Such a use will take away a significant amount of shopping floorspace in a key location, however, the building currently remains vacant and the proposed use can increase footfall.

The overall potential impact on the vitality and viability of the Town Centre must be weighed up. The Borough Council has identified this building and the library/education hub project within its own Corporate priorities as demonstrated in the Town Centre Masterplan and Future High Streets Funding bid. Clearly this is part of a wider regeneration strategy for the Town. Such intent must also be a material consideration. The building has historical significance as a non-designated heritage asset. It is important that any future use of this building seeks to retain and where possible enhance its historic features.

Officer comment / response:	Noted and addressed in Planning Analysis below
Any relevant Condition / Informative note?	<p>Conditions regarding use will be required to ensure the uses retain the broad mix and community-focus proposed in the development and ensure vitality to the town centre, and ensure that any change to the mix would require a planning application to bear public scrutiny and assess the effects in the round.</p> <p>A schedule of conditions will be presented to the Committee.</p>

GYBC Conservation**Response:** Supports use with some concerns regarding proposed alterations

The former Palmers Store (37-39 Market Place) is a significant historic building which enhances the character and appearance of the Conservation area and contributes to its significance. The site has an interesting history and whilst the building is not designated on its own rights, it is an important landmark feature within the existing street scene; its architecture and history further contribute to the local character and distinctiveness.

The Conservation section supports the conversion of the building and its future use, however, there are some concerns in regards to the proposed interventions listed below: -

1. The shopfront is one of the most prominent features of the building. A heavy sectioned balustrade was historically present on top of the shopfront's fascia and could be seen on earlier photographs. Metal railing are now proposed instead – whilst Conservation does not raise objections to the principle of such an intervention, there are concerns regarding the proposed design and overall impact on the appearance of the building. We recommend that this proposal is reviewed so the design of the railing/balustrade reflect the historic character of the building.
2. The proposed decorative arches added to the shopfront make a reference to the existing first floor windows. However, the visual rhythm of the first floor is not reflected at the ground floor due to different widths of the sections and the central door section which differs in character. We believe that it would be for the benefit of the visual rhythm of the building and its characteristics, to omit the shopfront arches.
3. Windows to the north elevation of the building are proposed to be removed and replaced with new frames. It appears that this intervention is not carried out in a like-for-like manner at 'North B' which together with the 'North A' elevation result in a façade which incorporates a number of differently designed openings. Would it be possible to provide further details and justification of this design approach and possibly provide references to the suggested units (are they going to be double/single glazed; what is the proposed finish, etc).
4. There is a preserved decorative leaded shopfront at the North elevation facing the alleyway. It is not clear from the submitted drawings of the proposed elevations whether the glazing will be restored as well. Could this be confirmed please?

Conservation comments on revised railing/balustrade detail; and other points responded to by agent:

1. We welcome the detail and analysis you have undertaken in respect of the metal railings and think that your proposal taking influence from the earlier stone balustrade is a good solution.
2. We do not strongly oppose the arch shopfront window tops and would not comment adversely if submitted as part of a planning application. It does seem to disrupt visual rhythm at the central doorway and the narrower window to the north when the elevation is viewed as a whole, but generally acceptable.
3. 3. We are content with the proposed fenestration to the north elevation in terms of style and material and would only question whether top hung is the best solution as they can have an awkward appearance en-masse.

4. 4. Noted	
Officer comment / response:	<p>Agent responded to Conservation Section comments above as follows –</p> <p>1. Metal railings – we have reviewed the design of these railings in light of your comments. The submitted Front Balustrade Design Analysis document shows the development of this design, and our revised proposals which reflects the historic character of the building.</p> <p>2. Decorative arches to the shopfront – as the comments note these are in reference to the arches on the first floor and we think these add something to the glazed façade – are you strongly opposed to these?</p> <p>3. Proposed windows on the north elevation - generally the glazing around the building has been approached in an ad hoc manner over the years with many different window locations and types evident in the existing building that reflected the internal uses. For example on the north elevation long, thin, high level glazed brick areas provided some natural daylight in the shopping spaces below. The proposed new educational uses have a requirement for adequate daylighting and ventilation with classrooms arranged along the external walls on the north and south. Where possible we have sought to retain the existing opening heights and rationalise the variations of window types. In particular we have sought to remove UPVC windows and unsympathetic glazing treatments across the building envelope. The strategy is to ensure the users have appropriate natural daylighting and ventilation and relate to the internal uses. The proposed glazing allows more daylight into the internal spaces, especially on the north façade. All new windows on the north, west and south elevations will be double glazed, powder coated aluminium windows that will improve the thermal efficiency of the building. The primary east elevation the glazing and existing windows are intended to be retained/ repaired where required with secondary glazing provided internally to improve the heat loss through those areas.</p> <p>4. The preserved leaded shopfront within the alleyway is proposed to be restored, this will include the glazing as some elements are in need of repair. It is intended that this window forms a feature internally alongside other historical elements in a registry / conference space.</p>
Any relevant Condition / Informative note?	Conditions regarding materials to be used etc.

6 Publicity & Representations received

Site notices / Press advert

Reasons for consultation: Major / Con Area

6.1 Ward Member – Cllr(s) C Talbot; J Martin; and M Smith-Clare

Representation	Officer Comment	Relevant Condition/Informative
No comments received	N/A	N/A

6.2 Public Representations

At the time of writing 0 public comments have been received.

7 Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

Add & Delete as necessary

- Policy CS1: Focusing on a sustainable future
- Policy CS7: Strengthening our centres
- Policy CS9: Encouraging well-designed, distinctive places
- Policy CS10: Safeguarding local heritage assets
- Policy CS15: Providing and protecting community assets and green infrastructure
- Policy CS16: Improving accessibility and transport

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development limits
- Policy GY1: Great Yarmouth Town Centre
- Policy A1: Amenity
- Policy C1: Community facilities
- Policy E5: Historic environment and heritage
- Policy I1: Vehicle parking for developments
- Policy R1: Location of retail development
- Policy R2: Protected shopping frontages
- Policy R7: Food and drink amenity

8 Other Material Planning Considerations

- Great Yarmouth Town Centre Regeneration Framework and Masterplan

National Planning Policy Framework (July 2021)

- Section 2: Achieving sustainable development
- Section 4: Decision Making
- Section 8: Promoting healthy and safe communities
- Section 16: Conserving and enhancing the historic environment

Sections 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990:

- Section 66 requires in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- Section 72 requires with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area.

9 Planning Analysis

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

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

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

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

Main Issues

The main planning issues for consideration include:

- Principle of development
- Character and appearance and heritage assets
- Amenity
- Other matters

Assessment:

Proposal summary (reminder): Proposed change of use from retail/commercial into education use to accommodate the relocated Great Yarmouth Public Library and provide new space for university classrooms and Adult Education (F1 (a) (d) uses); Ancillary associated uses; proposed external repairs to building fabric; Replacement door & windows; New ground floor entrance to Market Place; Internal amendments to facilitate new use; New external staircase

10 Principle of Development

10.1 The site is within the development limits in accordance with Policy GSP1 where development will be supported in principle subject to compliance with other relevant policies in the development plan and material considerations.

- 10.2 The site is located within the Great Yarmouth Town Centre and Primary Shopping Area, with the eastern elevation running along the 'protected shopping frontage'. The proposed scheme referred to as 'Great Yarmouth and Library University Centre' is largely compliant with Policy GY1 of the Local Plan Part 2 (LPP2) as it re-purposes and reconfigures a vacant building and has the potential to significantly enhance the building's appearance and the wider townscape, it will also provide training and learning which could support local businesses. The proposal also has the potential to benefit the 'Great Yarmouth Town Centre Regeneration Framework and Masterplan' which seeks to enhance the market place and heart of the Town Centre as key leisure and visitation spaces. Policy GY1 also has regard to the 'Future High Street Fund', whereby one of the aims is to enhance the library and provide a learning hub in a more central location, with the Palmers store as the identified location.
- 10.3 Policy R1 of the LPP2 provides support to new Main Town Centre Uses (as defined within national policy) within the designated Town Centre. The planning application form sets out a loss of 5,285m² of shopping floorspace (which would fall under Class E a), with the same gain in library and educational uses (which now falls under Class F1). Such uses are not specifically referenced within the National Planning Policy Framework (NPPF) glossary definition for Main Town Centre Uses, though there are clear linkages with leisure, arts, culture and museums (most of which also fall under Use Class F1). It is worth noting that the Government extended permitted development rights to include libraries as an acceptable temporary change within town centres 'to provide a greater mix of uses on the high street and increase footfall, and bring community uses closer to communities' (NPPG).
- 10.4 In terms of Policy R2 which relates to 'Protected shopping frontages' while the wider scheme is not Class E, the proposal is to maintain an active frontage onto the Market Place at the ground floor level with a café at the southern half and main library including seating area at the northern end. The frontage will maintain a full width hardwood glazing system. Given that the existing unit remains vacant and there is a clear community service function to visiting members of the public proposed, it is considered likely that the proposed use will generally support the vitality of the Town Centre.
- 10.5 Policy CS15 of the Core Strategy requires a positive approach to the development of new and enhanced community facilities, including the promotion of mixed community uses in the same building, especially where this improves choice and reduces the need to travel. The site is located in the centre of the Town which is extremely accessible and supports travel by foot, cycle, bus, and train as well as private car. There is no indication within the supporting documents as to whether the relocation of the library will result in any quantitative gain, though it is assumed that it will result in a quality enhancement. Given the scale and potential use of the library facility, this could be considered as 'strategic infrastructure' to which significant weight can be attributed.
- 10.6 Policy C1 provides support for new educational facilities within Development Limits. The proposed education use has the potential to build capacity for locally trained high skilled workers and offers connections to further education through the University of Suffolk and University of East Anglia. These are opportunities that currently do not exist within the Town; and therefore such considerations are of material importance.
- 10.7 While the application proposes a non-town centre use within the designated Town Centre and Primary Shopping Area, there are clear benefits to a proposed community use which will serve members of the public and those learning with the potential to increase local skills. It is acknowledged that such a use will take away a significant amount of shopping floorspace in a key location, however, the building currently remains vacant and the proposed use will increase footfall. In terms of the proposed use the overall potential impact on the vitality and viability of

the Town Centre must be a consideration and it is suggested that this can be a significant material consideration for the decision maker.

- 10.8 The Borough Council has identified this building and the library/education hub project within its own Corporate priorities as demonstrated in the Town Centre Masterplan and Future High Streets Funding bid. Clearly this is part of a wider regeneration strategy for the Town and such intent is considered a significant material consideration.
- 10.9 In summing up the policy position; in terms of Policy R1 the proposal will result in a permanent loss of the majority of existing retail shop floorspace. However some Class E uses will still be provided on the ground floor such as café where food and drink is mostly consumed on the premises and services principally to visiting members of the public such as Registrar's office and there is significant consideration that such other uses as are proposed will provide a greater mix of uses in the Town Centre and increase footfall, and bring community uses closer to communities and as such is considered acceptable in this location. If there is a degree of conflict with this policy it can be argued that this conflict is outweighed by the balance of weight and support that can be attributed to Policy CS15 as supported by Policy C1, as discussed above.
- 10.10 In terms of Policy R2, 'Protected shopping frontage' this states that proposals to change the use of active ground floor uses from Use Class E to other uses will only be permitted where:
- a. their primary function is to provide services and/or sales to visiting members of the public; and
 - b. they provide an active ground floor frontage (e.g. window displays, entrances and views of internal activity); and
 - c. they do not undermine the vitality and viability of the town centre.

In respect of criterion a) the main public library, café, registrars and other information and community services on the ground floor will be providing services to visiting members of the public.

Regarding criterion b) it has already been referred to above that the entire glazed frontage of the premises to the Market Place will provide for an active ground floor frontage.

In terms of criterion c) the proposal will make use of vacant floor space as a destination point that will likely bring people of all ages into the Town Centre in terms of its use and as such rather than undermine the vitality and viability of the Town Centre will positively benefit the Town Centre in this regard due to the likelihood of linked trips etc.

- 10.11 On balance and having regard to all the issues raised the proposal is not considered contrary to the development plan and is acceptable in this location.

11 Impact on Character and appearance of the Area including Heritage Assets

- 11.1 The character of the area is contributed to by the divergence of uses, public realm, conservation area and listed buildings amongst others. The building itself is not listed. It is important to note that the building has sat empty nearly three years plus throughout the history of the building complex there have been many adaptations and alterations [not always sympathetic to the building complex in terms of interventions and materials both internally and externally] however these do evidence how the buildings have developed over time. Following recent stripping out of the building complex to get it ready for development significant internal features have been revealed and coupled with the significant external features and the buildings presence and

contribution to the Market Place it can be considered a non-designated heritage asset – paragraph 203 of the NPPF is relevant in this regard.

- 11.2 The proposals seek in the main to refurbish and repair the existing structure and arguably improve its overall appearance and therefore contribution to the character and appearance of: the area in general; the Conservation Area; and the setting of nearby Listed Buildings. The proposal is accompanied by a Heritage Impact Assessment which concludes in section 5 as follows:

‘The proposal fully acknowledges the local significance of the non-designated heritage asset Palmers Department Store and seeks to provide maximum enhancement: The proposal preserves and enhances this part of the Conservation Area and enhances the architectural and historic interest of this important range of buildings of local interest.’

- 11.3 There has been ongoing discussion with the Councils Conservation Section and their main concerns appear to have been resolved, principally with regard to balustrade/railing detail to the principal [east facing elevation] and window interventions as set out in section 5.2 above. Any remaining concerns [or harms] have to be balanced against the public benefits of the proposal including, where appropriate securing its optimum viable use – paragraph 202 NPPF. In this regard any harms to the non-designated heritage asset are considered to be less than substantial and are significantly outweighed by bringing this building complex back into a viable use and the significant public benefits that this use will bring to the Town Centre and wider community.
- 11.4 Furthermore, the proposal has been assessed against sections 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 11.5 In relation to section 66 this requires in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The proposal does not relate to a listed building and there is no harm to the setting of nearby listed buildings and as such their setting is preserved.
- 11.6 Section 72 requires with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area. Again, the proposal is not considered to cause harm to the character and appearance of the conservation area including Rows and indeed the totality of the works to repair and refurbish the building and bringing it back into a viable use will likely significantly enhance the Conservation Area.
- 11.7 As such the proposal is considered to comply with Policies CS9, CS10 and E5 of the development plan.

12 Amenity

- 12.1 In terms of the amenities of the locality and assessing the impact of the proposed uses on these, regard must be had to the mixed character of the location which includes both residential and commercial within a main Town Centre location including nighttime activity. All proposed uses are considered relatively benign and unlikely to give rise to any unacceptable impacts in terms

of the amenities of the occupiers of existing development. There will be educational uses on the first floor and above where windows will face existing residential property but this relationship is considered acceptable.

- 12.2 In terms of hours of use, there is likely to be key-card access for registered users when the library/university centre is not staffed. This access and use will likely be covered by CCTV. Particularly in relation to students, some do not have quiet spaces or computer/wifi access at home and work around shifts and there is the potential for access possibly 24hrs 7 days a week. Again, given the location of the site and its principal access/egress being to/from the Market Place, it is not considered necessary to seek to restrict the hours of use of the premises.
- 12.3 As such, the proposal is considered compliant with Policy A1

13 Access, Traffic and Highways impacts / Parking & Cycling Provision

- 13.1 The site is located within the pedestrianised Market Place – a commercial hub – the area has efficient public transport links and an existing cycle parking provision. The proposed landscape plan on the western boundary includes a provision of no. 20 new covered cycle parking spaces, on top of the proposed public realm works within the Market area, that will also contribute to this provision. This is to further encourage sustainable modes of transport.
- 13.2 Vehicle trips associated with the development can also be accommodated in the adjacent Howard Street Car Park or other nearby car parks and local highway network, which are all highlighted in the accompanying Transport Statement and Travel Plan.
- 13.3 It is to be noted that the Highway Authority has no objections to the proposal subject to securing the cycle parking provision and implementation of the Travel Plan to ensure a wide range of travel choices. It is considered that the proposal satisfies Local Plan Policies CS16 and I1.

14 Drainage

- 14.1 Foul Drainage and surface water drainage is to existing sewer systems. In terms of Nutrient Neutrality – Site within water recycling centre network draining outside of nutrient neutrality catchment.

15 Social and Economic impacts

- 15.1 The following is a summary of both social and economic impacts attributable to the proposal which are considered material to the determination of the application:
- Regeneration and economic benefits
 - Improved public access to a non-designated heritage asset
 - Improved public realm through repair and refurbishment and re-use
 - Potential to build capacity for locally trained high skilled workers, and offers connections to further education

- Provision of Adult learning Service
- Provision of strategic infrastructure in the form of Public Library
- Community service function to visiting members of the public
- The proposed use will generally support the vitality of the Town Centre

16 **Local Finance Considerations**

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

17 **The Planning Balance**

- 17.1 In terms of Policy R1 the proposal will result in a permanent loss of the majority of existing retail shop floorspace. However some Class E uses will still be provided on the ground floor such as café where food and drink is mostly consumed on the premises and services principally to visiting members of the public such as Registrar's office and there is significant consideration that such other uses as are proposed will provide a greater mix of uses in the Town Centre and increase footfall, and bring community uses closer to communities and as such is considered acceptable in this location. If there is a degree of conflict with this policy it considered that this conflict is outweighed by the balance of weight and support that can be attributed to Policy CS15 as supported by Policy C1. Furthermore, the loss of retail shop floor space has to be balanced with the mix of uses that are proposed including commercial, business and service uses as well as learning uses, some of which will off-set the loss of retail shop floor space and arguably will provide for uses that are Policy R2 compliant
- 17.2 The proposal will have a positive impact in heritage terms and there are no identified harms that will not be outweighed by public benefits.
- 17.3 The Social and Economic Impacts are material to the determination and weigh heavily in favour of the proposal.
- 17.4 Therefore on balance the proposed use is not considered contrary to the development plan and in all other regards the proposal is considered acceptable as assessed in the sections above in relation to development plan policy and other material considerations.

18 **Conclusion and Recommendation**

- 18.1 Having considered the details provided, the application is considered to comply with policies CS9, CS10, CS15 and CS16 from the adopted Core Strategy, and policies GSP1, GY1, R1, R2, A1, E5 and I1 from the adopted Local Plan Part 2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval.

RECOMMENDATION:

It is recommended that application 06/22/0955/F should be APPROVED, subject to:

The following Conditions:

Proposed Conditions

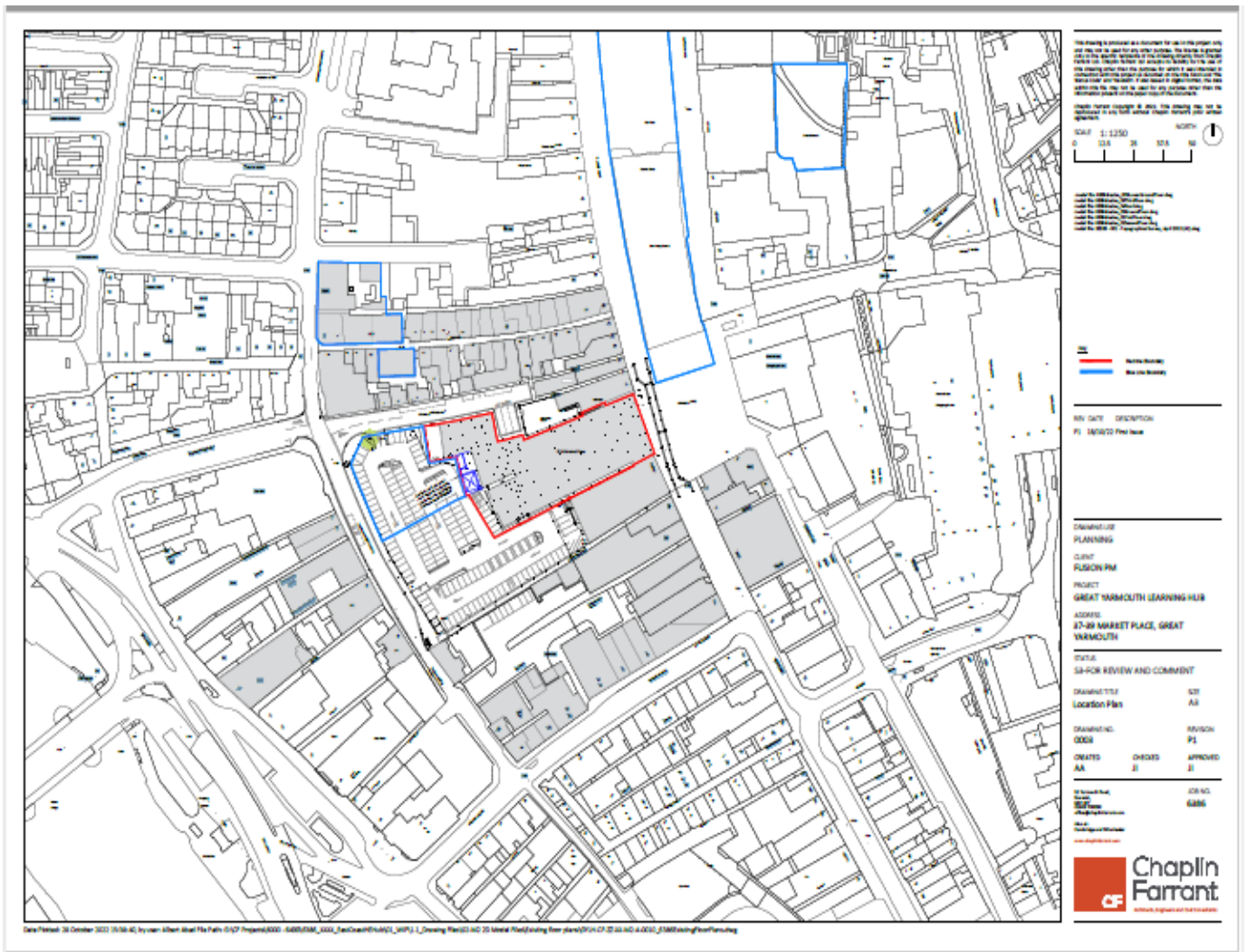
A schedule of the proposed conditions will be provided in an update ahead of Committee.

Informative Notes:

To be provided in update sheet ahead of Committee.

Appendices:

- 1. Site Location Plan



Schedule of Planning Applications
2023

Committee Date: 22 February

Application No: **06/21/0594/F** - [Click here to see application via website](#)

Site Location: Land adjacent South east corner of Venetian Waterways, (opposite Kiosk 4), North Drive, Great Yarmouth, NR30 4EW

Site Location Plan: See Appendix 1

Proposal: Proposed installation of 1no. galvanised steel column up to 8m tall to support CCTV camera

Applicant: Great Yarmouth Borough Council

Case Officer: Robert Parkinson

Date Valid: 15 February 2022

Expiry date: 12 April 2022

EOT date: To be confirmed

Committee referral: Constitution (Connected application).

Procedural note 1: For connected application. This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 16 February 2023 and the Monitoring Officer has checked the file and is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

RECOMMENDATION:

APPROVE SUBJECT TO IMPOSED CONDITIONS

REPORT

1. The Site and Constraints

- 1.1 The site relates to land within and adjacent the south-east corner of the Venetian Waterways historic park and garden, on North Drive, Great Yarmouth. Surrounding uses are all leisure based and tourism uses eg. hotels, guest houses, some larger houses, café/icecream outlets on the promenade, occasional temporary kiosks and a large surface level car park to the south, and two smaller car parks on the corner of Sandown Road south of the Georgian hotel.
- 1.2 The site of the Venetian Waterways is attractive for its generally low level structures but in places already includes telegraph poles, smaller in-park lamp poles, and adjoining the site there are lighting columns.

1.3 This Venetian Waterways site is a Grade II Registered Park and Garden, (list entry number: 1001618, date of listing: 10 June 2002).

1.4 The Reason for Listing is stated as:

REASONS FOR DESIGNATION The Venetian Waterways, Great Yarmouth, a 1920s Park and Garden, is Registered at Grade II for the following principal reasons: * Architectural interest: The Venetian Waterways and boating lake were designed to complement each other with recurring decorative features across the two areas; the piers and large urns which flank the entrances, the bridges and the overall design of the landscape provide a unique composition. * Historic interest: The Venetian Waterways were created as part of a large relief scheme for the unemployed just prior to the Great Depression. * Intactness/Alteration: Although a number of the built structures and the original planting schemes have been removed, altered or replaced, the physical layout of the boating lake and the Venetian Waterways survives virtually intact. * Rarity: The Venetian Waterways are unique nationally.

1.5 The listing description was updated by Historic England in 2010, and can be seen at: <https://historicengland.org.uk/listing/the-list/list-entry/1001618?section=official-list-entr>.

1.6 The site is also within Conservation Area No. 16 - Seafront. The closest other designated heritage asset is the listed Pavilion at Wellesley Recreation Ground 140m to the southwest and behind large hotel buildings.

1.7 The site is within Flood Risk Zone 3 but this would be considered compatible with that designation and would not increase flood risk elsewhere.

2. The Proposal

2.1 The development seeks to install a single metal column for installing CCTV cameras at the top of the column, up to 8m tall, sited just outside the southeast corner of the Waterways and on land used as a public path / promenade.

2.2 Initially the proposal was sited inside the designated heritage asset park & garden. Planning officers queried whether this was in fact necessary and after some consideration the application was amended on 10/2/23 to site the column outside.

2.3 The application is accompanied by plans, data sheets, cctv specifications and a Heritage Statement.

3. Relevant Planning History

3.1 No relevant history.

4. Consultations

Norfolk County Council Highways	Response: No objection
There are no highways implications and so no objection is raised.	
Officer comment / response:	Noted – in addition the development will not cause an unacceptable impact on pedestrian access or movement around the outside of the site.
Any relevant Condition / Informative note?	Not necessary.

Historic England	Response: No comments to be provided
Historic England referred to the consultation requirements and declined to comment in this instance, referring the LPA instead to its own heritage advisors.	
<i>Historic England must be consulted on the following planning applications by virtue of Town and Country Planning (Development Management Procedure) (England) Order 2015 - article 18 and Schedule 4:</i>	
<i>Development which in the opinion of the local planning authority falls within these categories:</i>	
<i>P1 Development of land involving the demolition, in whole or in part, or the material alteration of a listed building which is classified as Grade I or II*</i>	
<i>P2 Development likely to affect the site of a scheduled monument</i>	
<i>P3 Development likely to affect any battlefield or a Grade I or II* park or garden of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953 and others...</i>	
Officer comment / response:	Whilst this is a designated heritage asset – a Grade II listed park and garden, there is only an obligation on Historic England to comment on Grade II* or Grade I assets.
Any relevant Condition / Informative note?	None requested. A condition to restore any damaged historic fabric on a like-for-like basis is reasonable and necessary.

Norfolk Historic Environment Service	Response: No comment / no objection
We note that the proposed development area for this planning application is within the boundaries of a Registered Park and Garden of Specific Interest. We would therefore advise that the applicant consult with Historic England if they have not done so already.	
We have no other comments to make.	
Officer comment / response:	These are matters for the applicant to consider in implementing the proposal.

Any relevant Condition / Informative note?	No condition necessary, can be added as an informative

GYBC Conservation Officer	Response: No objection
<p>The application has been discussed with the Conservation section and the most optimal location for the proposed steel column has been agreed to reduce the impact of the proposal on the character and appearance of the designated heritage asset. It has been pointed out that CCTV coverage is necessary to enhance the protection of the heritage asset.</p> <p>Based on the provided information, the Conservation section don't wish to raise any objections. We request that any disturbance of surfaces during the installation of the column should be restored in a like-for-like manner.</p>	
Officer comment / response:	When the application was first proposed under the expectation that CCTV would be needed within the actual venetian waterways site, Conservation Officers felt this corner location was the best / optimal in the circumstance. The revised location now actually moves the column outside the designated heritage asset boundary / site, so further avoiding the direct impact on the asset and improving the situation further.
Any relevant Condition / Informative note?	None requested. A condition to restore any damaged historic fabric on a like-for-like basis is reasonable and necessary.

6 Publicity & Representations

Site notice & Press advert – impact on Conservation Area and Listed assets

6.1 Ward Member – No comments received.

6.2 Public Representations - No public comments have been received.

7 Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS9: Encouraging well-designed, distinctive places
- Policy CS10: Safeguarding local heritage assets
- Policy CS15: Providing and protecting community assets and green infrastructure

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy A1: Amenity

- Policy E5: Historic environment and heritage

8 Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 8: Promoting healthy and safe communities
- Section 16: Conserving and enhancing the historic environment

Sections 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990:

- Section 66 requires in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- Section 72 requires with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

9 Planning Analysis

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

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

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

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

10. Assessment

10.1 The column is proposed to ensure greater security coverage at what is an open garden which could attract antisocial behaviour. The CCTV camera is a requirement of National Lottery funding for the restoration of the site following a spate of vandalism. Any approved column might be installed in March.

- 10.2 The main planning issue for consideration is the character and appearance and impacts on heritage assets.
- 10.3 The site may not have the highest level of heritage protection but the heritage value is still of national significance. The LPA has a legal duty to preserve and enhance the listed park and garden, and if the column were inside the Waterways itself, the column would contravene that duty. Fortunately it has been determined that the same CCTV coverage can be found for the Waterways from positioning the column outside the wall of the Waterways and within the footpath adjacent the heritage asset, which is understood to be in the applicant's control as a GYBC-owned path.
- 10.4 The column will need cabling to run through the gardens but that requires medium-depth excavation to 600mm. Such infrastructure within the gardens is easily concealed and these groundworks for cabling will present no lasting visual impact once concealed. The column has a direct impact on the setting of the Grade II registered park and garden. It is a plain colour, in black, and the CCTV units at the top will be relatively discreet. As a plain appearance and uniform shape the visual intrusion is minimised. The CCTV unit at the top can be required to colour-match the column, by condition.
- 10.5 The applicant has since confirmed that the column may not need to be 8m tall, and in fact other columns have been cut down to be only 7m tall without reducing the CCTV coverage area. Any reduction below 8m would clearly reduce the impacts still further.
- 10.6 The column has been shown to compare very similarly to the telegraph pole and 'life saver' station installed in the vicinity at the adjoining beach. The profile is slim and not out of character to the street infrastructure. The effect on the setting of the listed heritage asset is a small degree of 'less than substantial' harm.
- 10.7 The coverage from the CCTV unit outside the site should be almost identical if not the same as from a column installed inside the site. Nevertheless, doing so would include its own drawbacks of obstructing the pavement / path for some users, but in this location the promenade path widens so buggies, wheelchairs and pushchairs will have adequate space to avoid the column hindrance.
- 10.8 There is a duty to prevent further harms to heritage assets and their setting. Policy E5 require enhancement where possible. It is recognised that the Venetian Waterways are a 'modern' heritage site with some recent interventions and in the setting and environment such structures are increasingly commonplace.

11 Local Finance Considerations

- 11.1 Under Section 70(2) of the Town and Country Planning Act 1990 the Council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance

considerations are defined as a government grant such as new homes bonus, or the Community Infrastructure Levy (which is not applicable to the Borough of Great Yarmouth). Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority, for example. There do not appear to be any planning-related local finance considerations linked to this development.

12 The Planning Balance

- 12.1 There is a degree of less than substantial harm to the character, appearance and setting of the Venetian Waterways, but balanced against that harm is the public benefit that the CCTV installation will be able to reduce the likelihood of vandalism and as a consequence, further degradation of the heritage asset. A secondary benefit would be the addition of improved public safety and security by having a CCTV camera installation in the well-frequented area and tourism attraction.
- 12.2 On balance it is considered that the benefits outweigh the harms caused, and the application should be approved.

13 Conclusion and Recommendation

- 13.1 Having considered the details provided, the application is considered to comply with policies CS9, CS10, CS15 and CS16 from the adopted Core Strategy, and policies A1 and E5 from the adopted Local Plan Part 2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval.

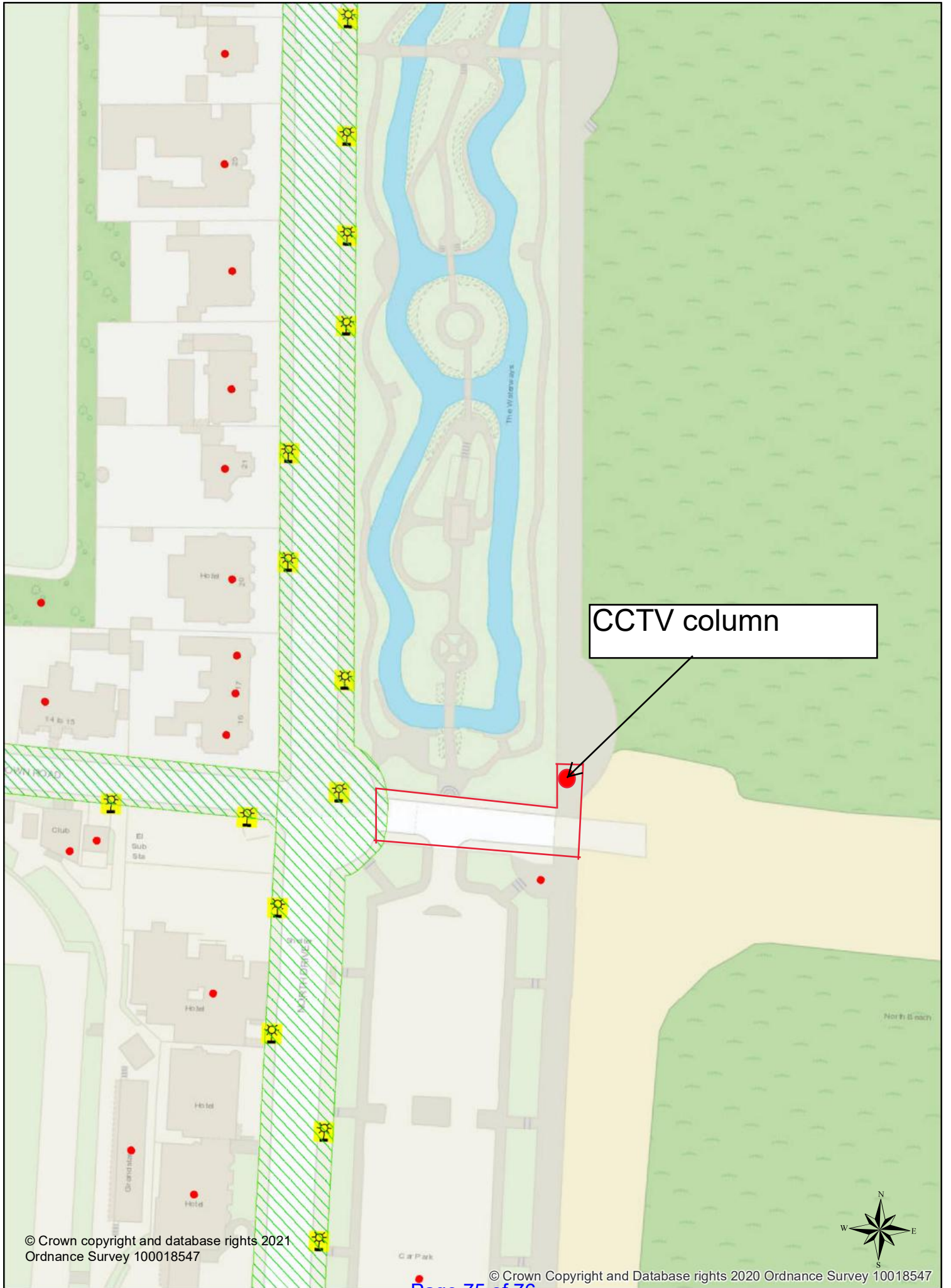
RECOMMENDATION:

It is recommended that application 06/22/0955/F should be APPROVED, subject to the following summarised Conditions:

1. Development must commence in 3 years
2. Development shall accord with the approved plans
3. The CCTV unit shall colour-match the column
4. Any damaged historic fabric shall be repaired and restored on a like-for-like basis within two months of the damage occurring.

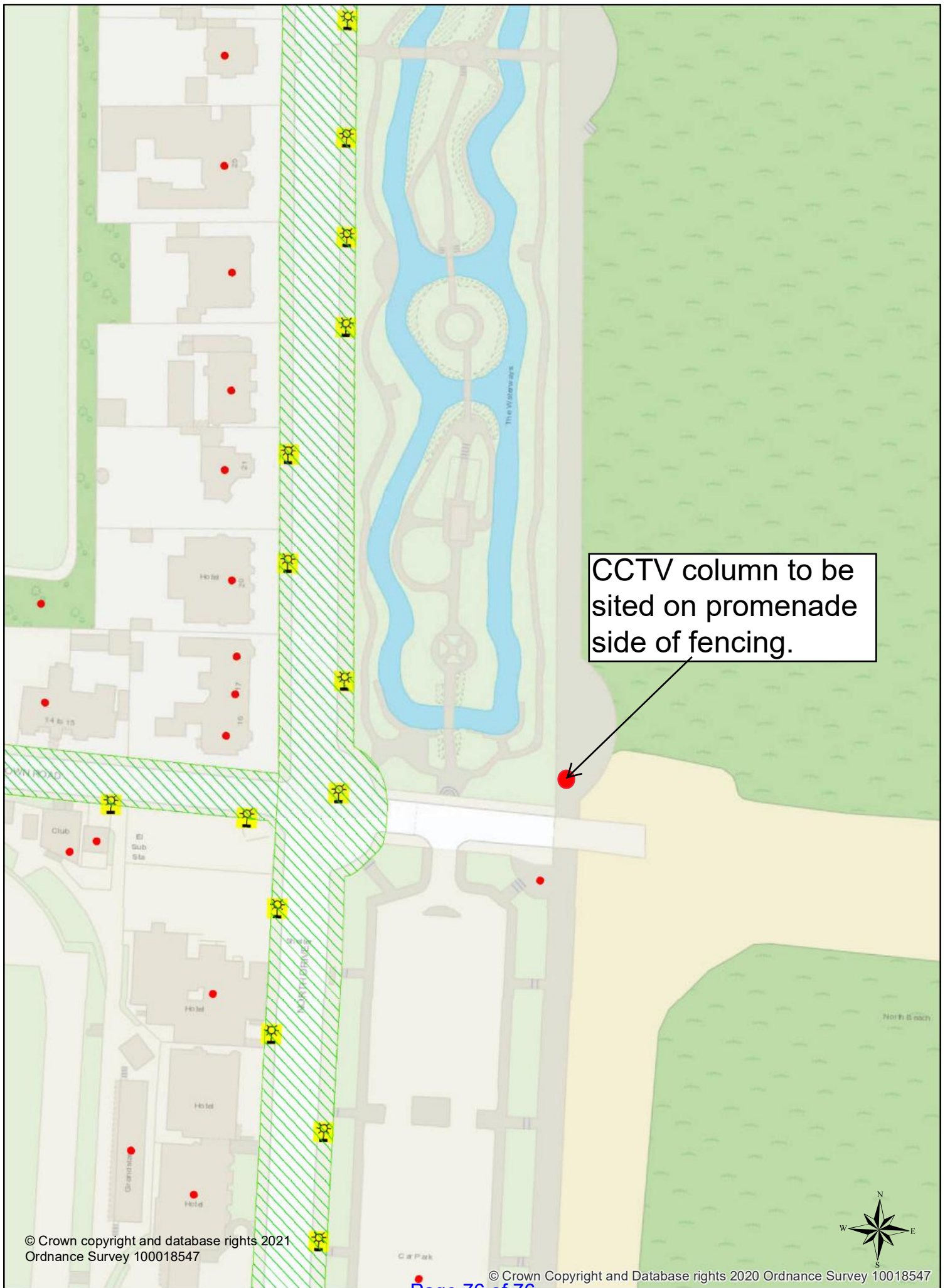
Appendices:

1. Site Location Plans x 2



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CCTV column to be sited on promenade side of fencing.