



Development Management Committee

Date: Wednesday, 24 January 2024
Time: 18:30
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 - 8

To confirm the minutes of the meeting held on the 18 December 2023.

4 APPLICATION 06 23 0616 D - Land at Nova Scotia Farm, west of Jack Chase Way, West Caister

9 - 16

Report attached.

5 APPLICATION 06 22 1104 F - Rose Farm Touring Park, Stepshort, Belton

17 - 62

Report attached.

6 APPLICATION 06 23 0678 VCF - Former Pontins Holiday Centre, Beach Road, Hemsby - THIS ITEM HAS BEEN DEFERRED.

63 - 78

Report attached.

***** PLEASE NOTE THAT THIS ITEM HAS BEEN DEFERRED*****

- 7 **APPLICATION 06 23 0837 F - Site adjacent the ladies' Public Convenience, The Jetty, Marine Parade, Great Yarmouth** 79 - 87

Report attached.

- 8 **APPLICATION 06 23 0139 F - Brush Quay Car Park, Quay Road, Gorleston** 88 - 99

Report attached.

- 9 **ADDENDUM REPORT- 24 January 2024** 100 - 102

Update report attached dated 24 January 2024

- 10 **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.



Development Management Committee

Minutes

Monday, 18 December 2023 at 18:30

Councillor A Wright (in the Chair); Councillors Annison, Bird, Boyd, Freeman, Galer, Green, Martin, Mogford, Murray-Smith and Pilkington.

Councillor Newcombe attended as substitute for Councillor Williamson.

Mr A Chrusciak (Interim Head of Planning), Mr R Parkinson (Development Manager), Mr R Tate (Planning Officer), Mr M Joyce (Planning Officer) Ms C Whatling (Monitoring Officer), Mr D Zimmerling (IT Support) & Mrs S Wintle (Democratic Services Manager).

01 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Williamson and Capewell.

02 DECLARATIONS OF INTEREST

There were no declarations of interest declared at the meeting.

03 MINUTES

The minutes of the meeting held on the 29 November 2023 were confirmed.

04 APPLICATION 06 23 0815CU - MILDRED STONE HOUSE, LAWN AVENUE, GREAT YARMOUTH, NR30 1QS

The Committee received and considered the Planning Officer's report which presented a proposed change of use of part of a care home from dementia care facility (Use Class C2) to 20 residential bedrooms (sui generis use) to temporarily house families or individuals deemed as being homeless, for a period of 3 years from first occupation.

Members received a presentation from the Planning Officer which looked in detail at the proposal for the site, including details of comments that had been received with regard to the site.

Councillor Freeman asked with regard to bin storage and asked if Officers could identify where these would be located. The Planning Officer confirmed the location of the bin storage.

Councillor Murray-Smith asked with regard to the external appearance and whether this would be remedied before it is brought back into use. The Planning Officer advised that this would not be considered as a condition for the site but that bringing the building back into use would mean that the surrounding land would be better maintained.

Councillor Bird asked with regard to the management of the site and whether a management plan would be included. The Planning Officer advised that a management plan is to be secured under proposed Condition 8. An early draft of this provided to officers included "House Rules" to be followed by those living there.

Councillor Martin asked with regard to the sizing of the family rooms which would accommodate no more than 5 people. The Planning Officer advised that this would be best addressed within the management plan for the site which would ensure the appropriate level of occupancy for the room sizes.

Councillor Martin asked with regard to the use of the facility and the residents who would be using the facility. The Interim Head of Planning advised that it was hoped that a management plan would encompass a number of finer details which would sit outside of the remit of planning but Members were being asked today to decide if the application was suitable for the site.

Councillor Mogford commented on the concerns that had been raised with regard to noise and asked whether these could be alleviated by having suitable external doors to prevent the noise. The Interim Head of Planning advised that the proposed use at this site, given its proximity to, and the nature of surrounding uses, would not, in his opinion, warrant having a restrictive condition being placed upon any planning permission issued.

Councillor Pilkington queried the room sizes. The Officers hereby confirmed the room sizes exceeded the minimum sizes outlined in the Housing Act.

Claire Wilkins, Housing Delivery Manager hereby addressed the Committee to answer any questions from the Committee.

Councillor Murray-Smith asked with regard to the intended use of the building and whether any visiting would be included within the management plan. Claire Wilkins confirmed that residents would not be allowed visitors during the day or at night time.

Councillor Martin asked with regard to the length of stay possible at the property, and whether a management plan would cover this. It was confirmed that the planning application was for a 4 year temporary application (allowing a year to establish legal particulars and preparation and the 3 years' occupancy or use) and that the proposed use could not extend beyond this period without a further grant of planning permission.

Councillor Murray-Smith asked with regard to the temporary application and how this would be affected by those staying within the property if only valid for three years. The Interim Head of Planning advised that the application sought to provide Members with the confidence that the application secured what was expected. Councillor Murray-Smith asked whether the application included details on what temporary use included, it was advised that this was a sui-generis application but would be covered by a management plan which would work alongside the application if approved.

Councillor Boyd commented that he felt this was needed in the town.

Councillor Martin agreed with Councillor Boyd that the facility was needed but raised some concern with regard to the facility being used by families.

Councillor Pilkington raised some concern with regard to the kitchen facility if all rooms were to be filled. The Planning Officer advised that the facility had two kitchens on each floor.

Councillor Annison moved to approve the report subject to the conditions as detailed within the Planning Officers report.

Following a vote it was RESOLVED :

That application 06/23/0815/CU be approved, subject to the proposed conditions listed within the published agenda report, and delegated authority being provided to the Head of Planning to make any required amendments to the published conditions and / or informative notes.

05 APPLICATION 06-21-0254-F - THE TEE SHIRT SHACK J5, THE JETTY, MARINE PARADE, GREAT YARMOUTH, NR30 3AH

The Committee received and considered the Planning Officer's report which proposed a replacement of an existing unit with a storage container to be used as a retail unit. Members were advised that this was a retrospective application.

Members received a presentation from the Planning Officer which looked in detail at the proposal for the site, together with the proposed elevations and site plans. Comments from relevant authorities were also summarised.

Councillor Pilkington moved to approve the application and following a vote it was

RESOLVED :

That application 06/21/0245/F be approved, subject to the proposed conditions listed within the published agenda report, and delegated authority being provided to the Head of Planning to make any required amendments to the published conditions and / or informative notes.

06 ANY OTHER BUSINESS

The Interim Head of Planning advised that Members would be receiving a list every Monday to show the live applications that have been allocated and this now allows for 14 days for Members to be alerted to the applications to allow time for Members to call-in if they wish for these applications to be considered by the Committee.

Councillor Mogford asked if a list of all applications that have been approved could also be provided to Members. The Head of Planning advised that work was ongoing on this matter and it was being looked into the possibility of this being added to a suite of new reports. It was also identified that the team were currently using an out of date IT system which was causing some delays.

The meeting ended at: 20:30

Development Management Committee Report

Committee Date: 24 January 2024



Application Number	06/23/0616/D - Click here to see the application webpage
Site Location	Land at Nova Scotia Farm, west of Jack Chase Way, West Caister
Proposal	Reserved Matters application for details of appearance, landscaping, layout & scale of development for 173 residential dwellings with associated infrastructure, drainage basin, access road and highways works representing part Phase 1(a) pursuant to outline planning permission 06/19/0676/O (development of up to 665 dwellings, local centre, land for primary school, health centre, highways works and open space)
Applicant	Persimmon Homes
Case officer	Mr N Harriss
Parish & Ward	Caister Parish, Caister South Ward
Date Valid	5 September 2023
Expiry / EoT Date	27 December 2023 (EoT requested)
Reason at committee	Constitution: The application is a major development of over 1ha and more than 25 dwellings.

SUMMARY OF RECOMMENDATION: DELEGATE FULL POWERS TO ALLOW OFFICERS TO CONSIDER AND DETERMINE APPLICATION REFERENCE 06/23/0616/D

1. The Site and Planning Background

- 1.1 The site is the Policy CA1 Housing Allocation on agricultural land west of Jack Chase Way, Caister which as part of the Outline Planning Permission (OPP) ref: 06/19/0676/O was extended to the north to include additional open space.
- 1.2 To the north and west, the site is bordered by the remainder of the Nova Scotia Farm. The farm is accessed from the A149 to the west. It generally consists of arable land, alongside a solar farm (which is located to the northwest of the site). The farmyard (a complex of agricultural buildings used for storage and potato packing), and associated farmhouse, lies adjacent to the western boundary of the site. Beyond this, a range of dispersed agricultural dwellings are located on the access road to the farm.
- 1.3 To the east, the site is bounded by existing hedgerows and trees, alongside Jack Chase Way. Jack Chase Way bypasses the northern end of Caister for traffic headed to and from Ormesby St Michael, Ormesby St Margaret, California and Scratby, and connects with the A149 Caister

Bypass at the intersection with Norwich Road. The A149 provides connections to Gt. Yarmouth to the south and Norwich to the west.

- 1.4 Beyond Jack Chase Way to the east lies a range of existing residential areas, situated around Prince of Wales Road, Diana Way and Covent Garden Road. These residential areas date from the late twentieth century, including a range of single and two-storey detached and semi-detached dwellings. There is a large area of green open space situated to the east of Jack Chase Way (between Covent Garden Road and Diana Way), which includes a range of existing play equipment, sports pitch, and public footpaths with the Caister Water Tower beyond.
- 1.5 To the north-east of Jack Chase Way is Beauchamp Grange, a recent development of 189 single and two storey dwellings including 2, 3, 4 and 5-bedroom detached and semi-detached properties. To the south, the site is bounded by the A149 Norwich Road, a dual carriageway. Beyond the A149 is further arable farmland and West Caister.
- 1.6 The OPP was approved on 24 May 2023 following completion of a related S106 Legal Agreement. Except for access, all other matters were reserved for future determination i.e. layout, scale, appearance, and landscaping. The Outline Planning Permission is subject to 43 conditions. These include:
 - Pre-commencement conditions,
 - General operating conditions,
 - Prior to first occupation conditions; including for off-site highway works; and,
 - Conditions with specific trigger points.
- 1.7 Separate applications will be submitted to GYBC to discharge these Conditions, where necessary.
- 1.8 As detailed above, the outline planning permission is subject to a Section 106 Legal Agreement relating to several Schedules, as follows:
 - Phasing of the Development.
 - Affordable Housing Provision.
 - Open Space.
 - Sustainable Drainage.
 - Recreational Impact Avoidance and Mitigation Contribution.
 - Local Centre Site.
 - Healthcare Contribution.
 - Community Facility Contribution.
 - Library Contribution.
 - Primary School Site and Education Contribution.
 - Green Infrastructure Contribution.
 - County Council Monitoring Fee.
 - Travel Plan.
 - Bus Service Provision.

1.9 As well as establishing the principle of development, the Outline Planning Permission identifies parameters which have informed this Reserved Matters Application. These include:

- Condition 2 (Time Limit) requires an application for the first phase or sub-phase (Phase 1a)) Reserved Matters relating to appearance, landscaping, layout and scale to be submitted within 12 months of the date of the planning permission; and, Reserved matters application(s) for other subsequent phases (Phases 1b onwards) to be submitted within 5 years of the date of the outline planning permission, or, in respect of the Local Centre Site and Primary School Sites only (Phases 1 (b) and 1 (c)) to be submitted within 10 years of the date of the outline planning permission);
- Condition 3 (Phasing and Delivery Plan) requires that the development shall take place in accordance with the Phasing Plan reference NSC-PP01 Rev D unless otherwise agreed with the local planning authority.
- Condition 7 (Dwelling Design Space Standards) states that applications for reserved matters containing residential elements of the development shall pay regard to the need to achieve nationally described space standards wherever feasible and practicable and shall include a schedule of proposed sizes and an appraisal of their consistency with the nationally described space standards.
- Condition 8 requires that no development whatsoever shall take place until full details of the siting, design, external appearance, and landscaping of the development (herein after referred to as the reserved matters) have been submitted to and approved by the Local Planning Authority, taking full account of the details contained in the following documents relating to the development of the site, including the following plans:-
 - 09941-FPCR-ZZ-XX-DR-L-0002 Rev A - Application Site Location Plan
 - 09941-FPCR-ZZ-XX-DR-L-0004 Rev E - Development Framework
 - 09941-FPCR-ZZ-XX-DR-L-0004.1 Rev D - Development Framework Land Use and Access
 - 09941-FPCR-ZZ-XX-DR-L-0004.2 Rev D - Development Framework Density and Building Heights
 - 09941-FPCR-ZZ-XX-DR-L-0004.3 Rev E - Development Framework Green Infrastructure
 - 09941-FPCR-ZZ-XX-DR-L-0004.4 Rev D - Development Framework Circulation – NSC-PP02 - Lengths of Hedgerow to be Retained / Removed
- Condition 9 (Use limits) specifies that the outline development shall be limited to a maximum of 665 dwellings.

2. The Proposal

2.1 The proposal is the first sub-phase of residential development (known as phase 1a) which had to be submitted within twelve months of the date of approval of the OPP. This extends to 9.95 hectares in area (inclusive of section of link road) and is shown edged in red on the site location plan at Appendix 1. This will be served by the approved means of access to the development off Jack Chase Way opposite Prince of Wales Road via a new signalised junction.

2.2 For the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations'), the Reserved Matters application forms an 'application for subsequent consent' comprising EIA Development accompanied by an Environmental Statement (the OPP was EIA Development). As such, this requires the Reserved

Matters application to be consulted on and advertised for an extended period of 30 days. The Council also must determine that the information before them is adequate to assess the significant effects of the development on the environment in accordance with Regulation 9 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

2.3 Following the original submission for 180 dwellings, officers had some concerns regarding the form of layout proposed and attention to the previously-approved parameter plans in terms of providing the appropriate form, quantum and layout of green infrastructure, circulation and access, density, and building heights. Meetings were held over a period to discuss amendments and in response to some of the consultation replies received.

2.4 In December 2023, two tranches of revised plans and documents were received. These required minor revisions to the description of development including a reduction of the number of dwellings proposed to 173 overall. Re-consultation was carried out both electronically and by Press and Site Notices.

2.5 The key changes to the revised layout and design principles relating to the revised submission include:

- A detailed layout referencing the 'historic line of sight' throughout the wider development between the non-designated gun batteries located adjacent the site and Great Yarmouth Harbour (adjusted to address Officer's comments regarding the north – south heritage-based desire line).
- A layout framed by the creation of a series of 'street types' that have different functions and design characteristics, which will deliver changes in character across the layout, and seek to provide a legible environment.
- A layout that encourages people to walk and cycle either adjacent the streets, or on the pedestrian and cycle links located within the green infrastructure towards the perimeter of the site.
- A loop road arrangement off which are ancillary roads and private drives that provide routes that are overlooked, direct and well connected, and seeks to reduce vehicle speed by its alignment without physical restrictions such as tables or build out chicanes.
- Significant green infrastructure readjusted to highlight a north – south axis as well as the Green Infrastructure linkages within the western section of the site with pathways either within or outside the existing tree belt to incorporate a variety of dog walking routes both within and around the site peripheries.
- A central linear park acts as a focal point for the development adjacent the loop road to frame the entrance with two Local Areas of Play (LAP) to the northern and southern extents of the linear park afforded natural surveillance with the orientation of surrounding dwellings.
- The amended residential mix and house types are:

Market	Affordable Housing	
7 x 1 bed houses	Rent	Intermediate
29 x 2 bed houses	12 x 1 bed flats	2 x 2 bed houses
69 x 3 bed houses	11 x 2 bed houses	
33 x 4 bed houses	8 x 3 bed houses	
	2 x 4 bed houses	

3. Reason for seeking delegation from the Development Management Committee

3.1 The application is not sufficiently advanced, in terms of representations received, for officers to conclude a full planning assessment, and make a clear recommendation for the Development Management Committee to decide on the application at this meeting.

3.2 The consultation period will expire on 05 February 2024. To date we have received consultee responses from:

3.3 Caister Parish Council

3.3.1 No objections

3.4 Ormesby Parish Council

3.4.1 No objections

3.5 Natural England

3.5.1 No comments

3.6 NCC Historic Environment Service

3.6.1 No comments

3.7 Norfolk Constabulary Designing Out Crime Officer

3.7.1 Comments on Crime Prevention through Environmental Design (CPTED)

3.8 NPS Property Consultants on behalf of Norfolk Constabulary (Estates)

3.8.1 Future Outline or Full applications should address impacts on Policing with developer contributions required for infra-structure needed.

3.9 Anglian Water

3.9.1 Comments on foul water and surface water which are in discussion between the developer and AW Developer Services Team

3.10 At the time of writing this report, there remain outstanding consultee responses which include:

- NCC Highways
- NCC Lead Local Flood Authority
- NCC Natural Environment Team
- GYBC Strategic Planning
- GYBC Conservation/Design
- GYBC Environmental Health
- GYBC Housing Enabling Officer
- Ward Councillors
- Active Travel England

- Historic England

Any comments received in the interim will be reported to Committee by Update Report.

- 3.11 Furthermore, there is pending additional information required from the applicant regarding CGI visualisations of key street scenes within the development for design clarification.
- 3.12 The reason for now seeking delegated authority to determine this application by the Head of Planning is because the Applicant has raised concerns about the wider implications of any delay to the determination of the application. These concerns have been presented by the Applicant, and can be summarised as:
- *A delay in determination of the reserved matters application would impact delivery and the provision of public benefits.*
 - *Works are programmed to start on site prior to the seasonal embargo, prohibiting works on the highway network between March and September.*
 - *Persimmon Homes have been working with the County Council to design the off-site highway works along Ormesby Road. NCC Highways have insisted that they design the junction works as well as consent the S278 scheme. Costs have escalated exponentially, currently there is a budget expectation of over £750,000 for this infrastructure.*
 - *This significant over-run in timescales and costs, when taken in context of the current economic climate, has required a more cautious approach be taken in terms of committing budgets. If the reserved matters application is presented to the January Committee, there is still scope to make the necessary budgetary commitments for 2024. However, if delays persist for a further month, the certainty of a start on site this year becomes much less certain commercially, and a much more risk averse approach is necessary. If a viable commencement cannot be made prior to the seasonal embargo, works will be delayed for 6-9 months, delaying delivery of circa 60 dwellings over the next two years.*
 - *Persimmon Homes have a site team and sub-contractors on standby to commence work. If it is necessary to re-assign the current budget provision, it will very likely result in redundancies and loss of contracts. The developer looks to employ from the local area. If a start on site is delayed, up to 100 job roles would be adversely affected.*
 - *A delay in commencement on Phase 1a would also have long term implications for the ongoing site wide delivery of Phases 2 & 3 and the associated social infrastructure (e.g. affordable housing and the local centre). Phase 1A provides vehicular access and servicing to the local centre site thereby enabling it to be marketed and built out. It also supports the delivery of green infrastructure in the form enhanced green connections, walking routes and habitat enhancements.*
- 3.13 At this stage, with consultation responses awaited, it cannot be assumed that even if the application were delegated to officers that it would be possible to determine it and issue a decision prior to the date of the February Development Management Committee (delay of a month), highlighted by the applicant to be critical.
- 3.14 Equally, until all relevant information and any consultation responses have been properly assessed, the 'direction of travel' of a decision to be taken cannot yet be determined; consequently, it cannot at this stage be presumed that decision will be made to either grant or refuse.

- 3.15 Nevertheless, by delegating power to officers to deal with the applications, it is considered that this would provide a reasonable opportunity for decisions to be reached and issued within the timelines identified.

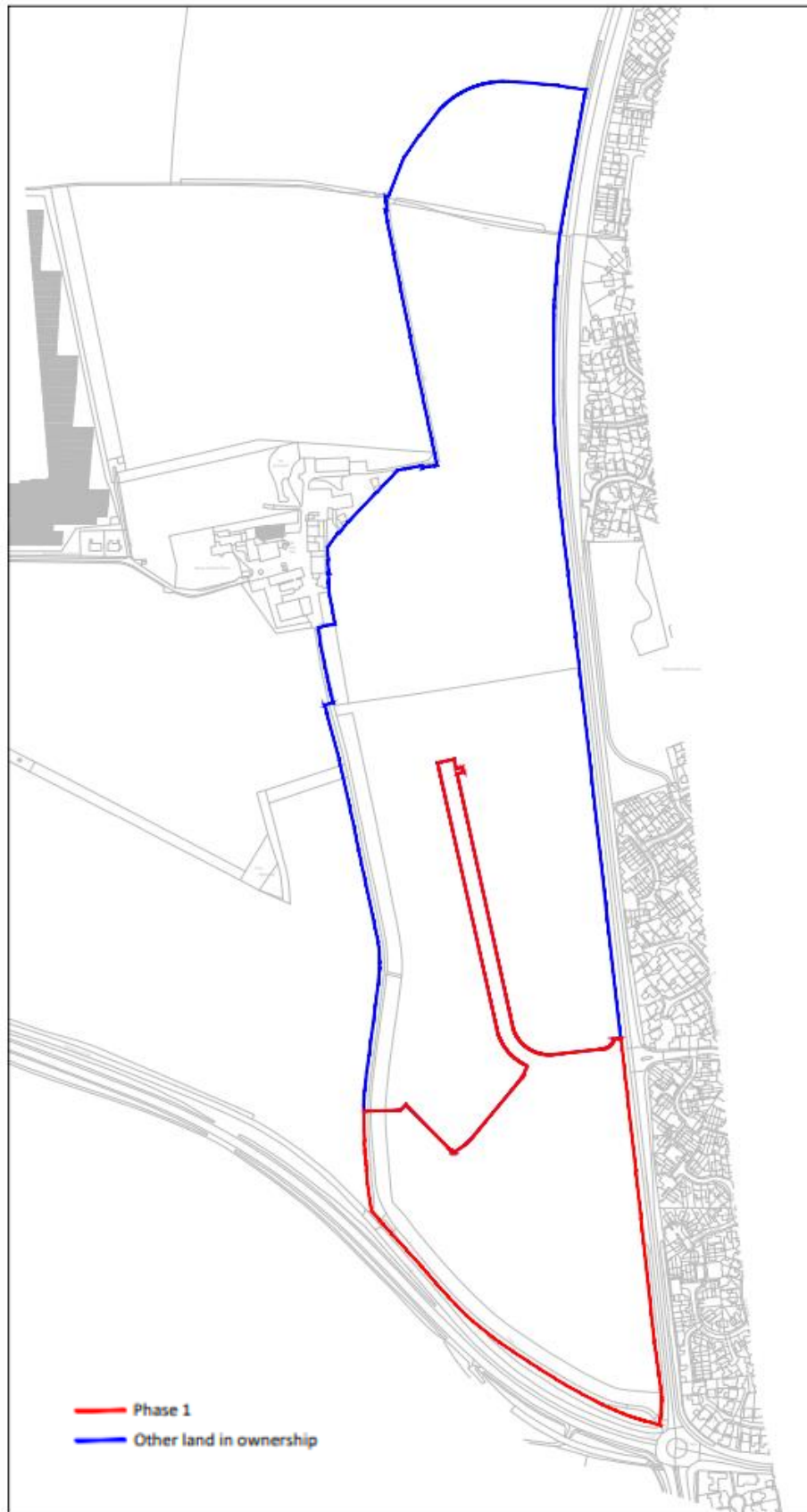
4. Conclusion

- 4.1 The circumstances relating to this application are considered to be unusual, and a timely decision is essential to assist the provision of ongoing housing delivery at Caister and support the local construction industry, whilst avoiding the seasonal embargo which prohibits works on the strategic highway network (Jack Chase Way) during the summer months.
- 4.2 In light of these circumstances, it is recommended that the Development Management Committee delegate to the Interim Head of Planning, in consultation with the Chairman of Development Management Committee, full delegated powers to consider and determine application reference 06/23/0616/D.

5. RECOMMENDATION

- 5.1 **That full powers be delegated to the Head of Planning, in consultation with the Chairman of Development Management Committee, to consider and determine application reference 06/23/0616/D.**

APPENDIX 1: Site Location Plan



Development Management Committee Report

Committee Date: 24 January 2024



Application Number	06/22/1104/F – (Click here to see application webpage)
Site Location	Rose Farm Touring Park, Stepshort, Belton, Great Yarmouth
Proposal	Proposed application to regularise the use of existing holiday accommodation as residential with year-round occupancy
Applicant	SRG Park Holdings Limited
Case officer	Robert Parkinson
Parish & Ward	Belton with Browston Parish, Lothingland Ward
Date Valid	05 January 2023
Expiry / EoT Date	03 May 2023. An Extension of Time was agreed to 30 May 2023, but the application is now subject to an appeal against non-determination.
Reason at committee	Constitution: The proposal amounts to new residential development across a site of more than 1ha in area.
Procedural note	<p>The application is subject to an appeal made against the Council for non-determination of the application. The application is presented to the Development Management Committee because the Planning Inspectorate must be informed of the intended outcome of the decision maker, were that decision maker still able to make the determination.</p> <p>Essentially, Committee is asked to consider the application on the basis of the application and documentation as submitted, irrespective of the appeal; although a decision notice of the LPA will not be issued, Officers will submit the Minutes of the committee meeting and an associated LPA Appeal Statement to the Planning Inspectorate in due course.</p>

SUMMARY OF RECOMMENDATION: THAT THE COMMITTEE RESOLVE TO CONFIRM THAT, HAD THE POWER TO DETERMINE THE APPLICATION CONTINUED TO REST WITH THEM, THEY WOULD HAVE REFUSED THE APPLICATION.

1. The Site

- 1.1 The site the subject of this appeal concerns the northernmost 'third' of the Rose Farm Touring Park site. The touring park is accessed from Stepshort, Belton, and site lies behind Rose Cottage, which itself lies behind (to the northeast of) Cosy Nook (or Kezinook') on Stepshort, Belton. The application form states that, at the time of submission, both Rose Cottage and

the Rose Farm Touring Park were under the sole ownership of the applicant SRG Park Holdings Limited (whereby the 'owner' has freehold interest or leasehold interest with at least 7 years left to run). Both Rose Cottage and Rose Farm are accessed from the same drive to the immediate east of the access to Cosy Nook on Stepshort. The touring park access drive is within the application site but Rose Cottage, the triangular gravel parking area in front, and the majority of the touring caravan park including ablutions blocks are all outside the official planning application site area.

- 1.2 Excluding Rose Cottage, the touring caravan park covers an area of approximately 3.67ha (36,687 sqm). Excluding the single-lane access drive from Stepshort which runs through the southern half of the camping / touring park, the application site area measures 12,756sqm (1.28ha) of the overall 3.67ha site. Excluding the route of the access drive, the application site is approximately 320m long in a rectangular form orientated southwest - northeast.
- 1.3 The application site is situated along and adjoining land that was once the track bed and line of a former railway between Belton and Bradwell. For approximately 650m of the touring park site the land levels are lower than the surrounding land, particularly on the adjoining land to the east of the site. At the application site itself, the land to the west of the railway line is at the same land level / grade as the railway line, as the site opens out from the narrower touring park land within the cutting to the south, and is currently used for tent pitches and some moveable caravans seemingly in residential occupation.
- 1.4 There are various individual and groups of trees and hedges on both sides of the cutting, and on the east side some 8no. trees and two groups are protected subject to Tree Preservation Order No. 3 2023.
- 1.5 To the west, the touring park lies adjacent to the south of, and c. 120m from dwellings in the Fairview private road off Stepshort, but the application site is some 320m distant. The intervening land is in arable agricultural use and beyond those fields is a large woodland tree belt also subject to Tree Preservation Order No.3 2023.
- 1.6 To the east is farmland and screened by hedging beyond that are the New Road sports pitches and farmsteads. There is no access available to the north, as the railway cutting is inaccessible when it meets the TPO woodland at the head of the application site, although further northeast the cutting appears to lie along the edge of a sizeable area of farmland, and in aerial images it appears largely intact and present all the way to its access point with Lords Lane, Bradwell.
- 1.7 The site includes a 'mobile home' bungalow dwelling which is believed to also serve as the touring park offices and reception, located behind the Rose Cottage dwelling which itself is outside the holiday park. The mobile home was originally permitted in 1969 as an agriculturally-tied dwelling allowed on the grounds of there being an agricultural need and was approved subject to an associated agricultural occupancy condition. The dwelling has since had that original occupancy restriction removed in 1987 when the touring caravan park was first approved, but the agricultural condition was replaced by a new condition restriction which limited occupancy of Rose Farm *"to persons owning or employed in the operation of the adjoining touring caravan site."* (ref. planning permission 06/87/0062/F granted for a temporary duration).
- 1.8 Since then, permission 06/99/0053/F permitted the retention of the mobile home on a permanent basis but still reimposed the restriction on occupancy of the mobile home,

requiring at Condition 1 of the permission, that it: *“shall only be occupied by persons, and their dependents, actively involved in the operation or management of the holiday site and it shall not be let or sold for occupation be persons unconnected with the business within which it is located.”*

- 1.9 The occupancy restriction on the mobile home has since been removed by permission 06/16/0532/F.

2. Site Constraints

- 2.1 The site is located outside the Development Limits defined by policy GSP1.
- 2.2 The site falls between Bradwell and Belton, which policy GSP3 defines as a ‘strategic gap’.
- 2.3 On the east side of the cutting within the site, 8no. trees and two groups of trees are protected by Tree Preservation Order No. 3 2023.
- 2.4 Although a touring caravan park, the site is not a defined ‘Holiday Accommodation Area’ under policy L1; this may be on account of the past planning history and current operations.
- 2.5 The application site and the rest of the railway cutting include an identified corridor for the future development of a ‘potential strategic cycling and pedestrian route’ under Policy GSP7, running between Stepshort, Belton and the access track leading to Doles Farm off Lords Lane, Bradwell.

3. The Proposal

- 3.1 The application form was originally submitted with the following description of development:
- “Change of use of existing holiday accommodation to residential with year-round occupancy to regularise uses across site.”*
- 3.2 On the 5th January 2023 the applicant confirmed the description of development should be changed to:
- “Proposed application to regularise the use of existing holiday accommodation as residential with year-round occupancy.”*
- 3.3 At the same time, the applicant’s agent provided an updated site location plan to show connection with the public highway (Appendix 1) and confirmed that the use has not yet started on the application site itself, although residential use has been underway at the adjoining land in the same ownership within the caravan park to the south, which is described in the Design and Access Statement.
- 3.4 The application site forms part of a wider holiday park where up to 145 tents, caravans, motor homes or camper vans can be positioned on the site as ‘holiday units’.
- 3.5 The land the subject of the current application can only be used for ‘holiday units’ between 1st April/Easter and 30th September in any year.
- 3.6 The application as presented has not proposed any occupancy restrictions and has not stated the types of activity which would take place on the application site. It is worth noting that the

application under consideration is not an application for a Certificate of Lawful Proposed or Existing Use but an application for planning permission and it should be assumed that the use sought is an unrestricted residential use unencumbered by age of occupant or seasonal use or occupancy restriction.

4. Relevant Planning History

- 4.1 Consideration of the application site cannot be viewed in isolation from the planning history of the adjoining land to the south which is also within the touring caravan park / holiday park and the same applicant's ownership / control.
- 4.2 06/85/0140/F
Creation of a site for 30 touring caravans and the erection of an associated toilet block.
Refused by the Local Planning Authority but Allowed on Appeal on 29 August 1985 (appeal ref: T/APP/U2615/A/85/030395/P4).
- 4.3 06/87/0062/F
Permission granted for use of the Rose Farm bungalow mobile home as a dwelling subject to conditions requiring occupancy only by persons owning or employed in the operation of the adjoining touring caravan site.
- 4.4 06/87/0841/CU
Proposed siting of 20no. camping tents and conversion of stores into toilets.
Approved 16 August 1988.
- 4.5 06/89/0002/F
Approval of a mobile home on a temporary basis of 5 years.
Approved 02 March 1989.
- 4.6 06/92/0005/F
Renewal of the permission for a mobile home for a further 5 years.
Approved 10 February 1992. A condition limited occupancy to the applicant's daughter and her partner.
- 4.7 06/99/0053/F
Retention of mobile home and variation of cond limiting occupancy to persons actively engaged in running Rose Farm.
Approved 19 February 1999.
- 4.8 Storage of caravans began following temporary permission in 1990 (90/0260/F) and subsequent renewals 06/91/0634/F and 06/94/0634/F and 06/97/0715/F.
- 4.9 06/04/0332/F
Provision of 20 additional touring caravan/motor home pitches, 20 additional tent pitches and storage of 25 touring caravans.
Approved 21 May 2004.
- 4.9.1 This permission consolidated the previous approvals and established that 30 informal tent pitches could be used on the land within the cutting and part of the site of this current application. It also allowed up to 120 no. units of other various forms of holiday

accommodation (80 touring caravans/motor homes and 40 tents) to be provided on the rest of the holiday park site (along with 25no. stored caravans).

4.10 06/07/0665/PU

Change of use for additional tent pitches

Approved 08 October 2007.

4.10.1 This permission allowed additional land on the west side of the current application site (outside the line of the former railway) to be used on a temporary basis for additional tent pitches, also on a seasonal basis (ref 06/07/0665/CU). The use was permitted only until 30th September 2010 and was required to be discontinued from that date.

4.11 06/10/0564/F

Use of land for tent pitches (approved under 06/07/0665/CU) on a permanent basis.

Approved on 21st October 2010.

4.11.1 This was the same land on the west side of the current application site (outside the line of the former railway) which had been allowed to be used on a temporary basis for additional tent pitches between 2007 and October 2010. Permanent permission was granted, subject to conditions which are discussed in particular later in the report.

4.12 06/11/0666/F

Variation of condition 2 of Planning Permission 06/10/0564/F and 06/04/0332/F – to allow any type of touring unit.

Approved 05 January 2012.

4.12.1 The permission granted allowed 145 'holiday units' (indicated on the plans to be 'touring units') to be used on the land the subject of previous permissions 06/04/0332/F and 06/10/0564/F, which included this current application site. Although 'touring units' and 'holiday units' were described variously in the description and conditions, no specific restrictions were imposed requiring a specific form of use or type of holiday accommodation.

4.13 06/16/0532/F

[Re the mobile home within the touring caravan park permitted by 06/99/0053/F] - Removal of condition 1 of PP 06/87/0062/F - remove restrictive occupation condition.

Approved 16 November 2016.

4.13.1 The permission granted allowed the now-permanent use of the mobile home (which is currently understood to also serve as the site office and reception) as a residential dwelling unrestricted by any forms of occupancy conditions.

4.14 06/16/0535/O

(Outline planning permission) Change of use of part of Rose Farm Touring Holiday Park to residential park homes (20 shown).

Approved 16 November 2016.

4.14.1 The application site proposed for this development appears to have concerned only the southernmost area of the holiday park outside of the line of the former railway.

4.14.2 Condition 2 of this outline permission required approval of reserved matters (layout, scale, appearance and landscaping) to be submitted and approved by 16 November 2019.

- 4.14.3 No application for reserved matters approval has ever been made so the outline permission cannot be said to be extant.
- 4.15 06/16/0539/F
Removal of condition 2 re: PP:06/04/0332/F, 06/10/0564/F and 06/11/0666/F - to permit holiday touring units 12 months use.
Approved 16 November 2016.
- 4.15.1 The application sought to amend the permissions granted for use of the land including the application site for the 145 'holiday units' most recently brought together and approved under permission 06/11/0666/F.
- 4.15.2 The application was considered by Development Control Committee on 16 November 2016. From the Report submitted to the Committee it can be seen that it was intended for the application to remove all remaining seasonal occupancy conditions and allow the whole of the touring park to be used all year round. The reason for doing so was stated as:
- "It would be reasonable to have a consistent approach so that the whole site can be occupied during the same time period, the condition can be replaced with one that states that the site shall only be used for touring holiday units and that no part of the site shall be occupied by any individual or family group for a period of more than four weeks at any one time in order to retain control of the use."*
- 4.15.3 When permission was granted for 06/16/0539/F it was subject to conditions as below:
- "Condition 1: The site shall be used for holiday touring purposes only.*
Reason: To ensure the site is not used as permanent residential accommodation.
- Condition 2: The holiday touring units shall not be used by an individual or family group for more than a single period of more than four weeks at any one time.*
Reason: To ensure the site is not used as permanent residential accommodation."
- 4.16 06/18/0092/PU
Application for certificate of lawfulness for use of land edged red for: Sui generis – for the siting of up to 145 holiday units (tents, caravans, motor homes or campervans): (i) between 1 April or Easter (whichever is the earlier) to 30 September in each year for holiday units sited on the land edged yellow on the plan attached to this Certificate; and (ii) all year round for holiday units sited on the land edged blue on the plan attached to this Certificate.
Certificate of Lawful Proposed Use issued on 30 April 2018.
- 4.16.1 In this confirmation of proposed operations, the current application site is included within the decision as the 'area edged in yellow'.
- 4.17 06/18/0472/PU
Application for Certificate of Lawfulness of Proposed Use - Use of the land edged red as a caravan site for the siting of up to 145 caravans as holiday accommodation: (i) Between 1 April or Easter (whichever is the earlier) to 30 September in each year on the land edged yellow on the plan attached to this Certificate; and, (ii) All year round on the land edged blue on the plan attached to this Certificate.
Certificate of Lawful Proposed Use issued on 17 October 2018.

4.17.1 In this confirmation of proposed operations, the current application site is included within the decision as the 'area edged in yellow'.

4.18 06/19/0357/PU

Application for Certificate of Lawfulness of Proposed Use for: Use of the land for siting of residential park homes for occupation as a person's sole or main residence for people of the age of 50 on the land edged red on the land attached to this Certificate.

Certificate of Lawful Proposed Use issued on 23 June 2020.

5. Consultation responses

5.1 Strategic Planning Officer

Objection

5.1.1. The site is located outside of the Development Limits and bus stops are too far away so the site is not suitably located to access local services and facilities and the proposal is contrary to policy GSP1.

5.1.2. Touring accommodation is generally much more suited to holiday accommodation and/or time limited use, but this proposal seeks residential use of touring caravans and there is a concern that touring accommodation will not provide for the standard of homes to meet local housing needs. The proposal is contrary to policies CS3 and A2.

5.1.3. The development will trigger the need for affordable housing (Policy CS4). Consideration should also be given to the cumulative development (with the adjacent site to the south) in accordance with Policy H2.

5.1.4. The site includes a corridor identified as a 'potential strategic cycling and pedestrian route' under Policy GSP7. This policy seeks to secure public cycling and pedestrian routes to improve connectivity across the Borough. The type of use proposed should not prejudice the route, and has the potential to secure such a corridor.

5.1.5. The site is also within an area identified as a 'Strategic Gap' between Belton and Bradwell where the openness and rural character between the settlements is to be protected.

5.1.6. Other considerations to take into account include: There is no pedestrian access into the site; the landscape has a moderate sensitivity and the proposed use should not be allowed to disrupt the tranquil rural character; a Habitat Regulations Assessment should be provided to ensure there is no net impact on protected sites; the accommodation will be required to contribute to public open space in accordance with Policy H4.

5.2 Local Highway Authority

No objection. Initial comments clarified.

5.2.1 The Highway Authority submitted an initial response in January 2023 which stated there was no objection to the proposal. Officers have clarified this with the Local Highway Authority, as there are various factors which would ordinarily attract further assessment for a residential development of this scale in this location. The Highway Authority has since clarified matters as below:

Site access and visibility

- 5.2.2 The site access off Stepshort has visibility in accordance with current guidance; Manual for Streets being applicable in this case. The access is 10m wide at the carriageway edge and tapers back to 6.3m wide 6.0m from the carriageway edge. At 10.0m back from the edge of the carriageway the private access road is around 5.0-5.5m wide and gradually tapers down to around 3.0m further into the site. Immediately adjacent to the access (within the site) is a large area suitable for vehicles to pull over to pass within the site. There are no recorded personal injury accidents recorded at the highway access within the last 5 years.

Case officer comment:

- 5.2.3 The need to ensure this space is available for vehicle passing and manouvering would require conditions to be imposed on the 'blue land' of the application site – ie land in the applicants control but not in the application site itself. The applicant has not proposed such measures but these could be secured by a plan to be agreed by conditions.

Highway access links

- 5.2.4 The 145 permitted units are currently served via a private drive and therefore outside the jurisdiction of the Highway Authority. Whilst for new residential development the LHA consider such development is best served from an adopted highway, the site presently operates from a private drive and the LHA would not seek for an adopted highway to serve the proposals.

Quantum and character of the new use

- 5.2.5 Whilst residential use may increase vehicle movements, this needs to be offset against the present permitted use(s) site which and that caravan movements may reduce with all year permitted residential use. The present age restriction on the present permitted residential use of the site years offers no barrier to driving. People over 50 years of age are still likely to be in employment and have active lifestyles in which mobility and access play a major role and there is no realistic expectation whatsoever that over 50s in an area such as this will give up using a car in totality. The existing local highway network is of an appropriate standard and the proposals are unlikely to give rise to any network capacity concerns.

Local footway and cycle path connections

- 5.2.6 The LPA will be aware of the footway/cycleway along New Road (a County Funded Capital Scheme) that connects to Bradwell. In hindsight, with respect to this application, a recommendation of a footway or footway/cycleway link to this along Stepshort should have been recommended. However, given the nature of the application the tests within the NPPF have to be considered and whether such a recommendation would meet those tests for the application.

Case officer comment:

- 5.2.7 The Highway Authority has identified that the proposal lacks adequate cycle and footpath connection to the enhanced local and wider cycle and pedestrian footpath network on New Road, a distance of approximately 97m from the caravan site entrance. There are significant highway verge widths either side of Stepshort which could be used to connect the touring park site with New Road. Furthermore, there is ample highway land available to improve the existing less desirable footpath connection to Farman Close, or even provide a shorter cycle route onto that road. No proposals have been included to provide such highway improvements, nor has any evidence been provided to suggest that such measures would be unfeasible or unviable.

- 5.2.8 Both aspects of highways infrastructure improvements would be considered necessary to provide appropriate essential infrastructure to support residential use at the site and help improve the site's accessibility, were the principle of development to be accepted in the first place. Such works would also be considered to provide additional benefits in terms of addressing the lack of facilities for the wider community and the residential caravans and tourism caravans already at the site. A requirement to provide the footpath link and cycle lane infrastructure is therefore both considered necessary and reasonable and related to the development under consideration, and would therefore be justified to be required as a condition on any permission to be granted.

Sustainability of the location

- 5.2.9 Overall, sustainability is a consideration of the LPA and what it is accepted the application, if approved, may increase demand on local services, that is not a matter for the LHA and presumably the appropriate parties that could advise on that were duly consulted. Clearly the present permitted uses already have demands on local services within the current community. There is a consideration of transport sustainability and accessibility, but there are bus stops, a school and other (albeit limited) local services within 800m of the site; it is widely acknowledged that such facilities should be within 10 minutes walking distance (about 800m) which people may access comfortably on foot. The statutory walking distances to schools are 2 miles (3.2km) for children aged under 8, and 3 miles (4.8km) for children aged 8 and over.
- 5.2.10 The Highway Officer has also since clarified their comments above, re. distances to facilities:
- 5.2.11 The 800m referred to relates to Manual for Streets advice that walkable neighbourhoods have local facilities within 10 minutes walking distance (about 800m) which people may access comfortably on foot.
- 5.2.12 In terms of bus stops, custom and practice for many years suggests a maximum walking distance of 400 metres to a bus stop (DOE, 1973). Current guidance proffers that up to 500m is considered acceptable depending on frequency of service. In this case bus stops are located on New Road (around 250m) from the site entrance and on Stepshort (around 30m) from the site entrance.
- 5.2.13 The Department for Education "Travel to school for children of compulsory school age: Statutory guidance for local authorities June 2023", sets the statutory walking distances used to determine whether a child is eligible for free travel to school. They are the distance beyond which a child who is attending their nearest suitable school is eligible for free travel arranged by their local authority. Where a child lives within the statutory walking distance (and is not eligible for free travel on any of the other grounds set out in this guidance) the parent is responsible for arranging their child's travel to school. The document does state that "*There is no expectation that the child will walk. It is for the parent to determine what arrangements would be suitable for their child.*" The route must be the shortest route along which a child, accompanied as necessary, may walk in reasonable safety. This is not necessarily the shortest distance by road. The route may also include footpaths, bridleways, other pathways and alternative entrances to the school."

Case officer comment:

- 5.2.14 It is understood that the comfortable walking distance (and therefore the maximum expected distance to public transport) should be 400m - 500m. Whilst the Highway Officer considered the distance to the caravan park, they overlooked the distance to the application site itself,

which is another 510m, which would make the route to bus services unacceptably long for even frequent services. The stated 'acceptable distances' to school are taken from a guidance document which concerns funding for transport subsidy, which in Officer's opinion is concerned with the costs of transport to parents not the feasibility or sustainability of modes of travel. In practice, a walking distance of 2-3 miles for children is not considered practicable nor sustainable, and cycling may not be feasible for children of primary school age (the guidance concerns children aged 8), particularly where there are no off-road cycle links from the application site.

- 5.2.15 An assessment of distances to facilities and services, and public transport service provision, are all considered later in the report, but it is considered that the Highway Officer comments have not provided a demonstrable reason why the application site should be considered accessible or sustainable for non-car transport.

Overall assessment of highways impacts

- 5.2.16 Accordingly, in highway terms, with regard to the above considerations, it is not considered that the application if approved would have an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe. Likewise the site is not remote from local service provision or public transport, and whilst they may be limited, an objection on transport sustainability or accessibility would be difficult to sustain in this case.

Case Officer comment:

- 5.2.17 It is accepted that the vehicular movements and existing established uses at the site would not result in a highways concern sufficient to justify refusal of the application. However, as the Highway Officer acknowledges, the matter of the application site's accessibility to services, facilities and essential infrastructure, as a consideration of its overall sustainability, is a matter for the Local Planning Authority to determine, having regard to the overall objectives of the local plan and the material considerations at hand.
- 5.2.14 It is Officers' opinion that the application site is too remote and detached from local infrastructure and transport networks to be considered suitably accessible. Whilst required highways improvements could lessen the difficulty of access (if secured by conditions), the site would remain disconnected by unacceptable distance if not physical infrastructure. Therefore, notwithstanding the inference of the highway authority, the application site is considered an inappropriate location for residential use in terms of transport sustainability and accessibility.

5.3 Arboricultural Officer

No objection on the basis that the development would not affect the remaining trees.

- 5.3.1 The application has not included an Arboricultural Implications Assessment, nor is one considered necessary; any trees worthy of retention are now subject to the TPO. No. 13 2023, and the proposal "to regularise the use of existing holiday accommodation as residential with year-round occupancy" would have little effect upon the trees on the site.

6 Publicity & Representations

- 6.1 Consultations undertaken: Neighbour and public consultation was undertaken through a site notice installed at the entrance on Stepshort for 21 days between 13/01/23 and 03/02/23.
- 6.2 It has recently become apparent that the application constitutes a 'major' application and a proposal contrary to the adopted development plan, so it should have been subject to

consultation in the local press on both accounts, but this was overlooked at the time. Officers have advised the Planning Inspectorate of this omission and requested their advice as to whether additional public consultation is required for the determination of the appeal.

6.3 Ward Members

- 6.3.1 Local Ward Councillors A. Myers, T. Cameron, G. Carpenter and I. Murray-Smith were consulted. No comments have been received to date.

6.4 Parish Council(s) – Belton with Browston Parish Council

Object

- 6.4.1 “There are concerns with access to the site, the increased volume of traffic through the village and its impact on local services, the site is also within a flood zone.”

Case Officer comments:

- 6.4.2 The concerns raised regarding access, traffic and local services are discussed in relevant sections below.

- 6.4.3 However, the site does not appear to be in any flood risk areas however, as it is in tidal flood risk zone 1, and is not in any recorded surface water flood risk area or critical drainage area. Areas of high surface water flood risk are defined outside the site’s northern boundary.

6.5 Public Representations

- 6.5.1 No public comments have been received.

7 Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS1: Focusing on a sustainable future
- Policy CS2: Achieving sustainable growth
- Policy CS3: Addressing the borough’s housing need
- Policy CS4: Delivering affordable housing
- Policy CS6: Supporting the local economy
- 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 CS14: Securing essential new infrastructure
- 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 UCS3: Adjustment to Core Strategy Housing Target
- Policy UCS4: Amendments to CS4 - Delivering affordable housing
- Policy GSP1: Development Limits
- Policy GSP3: Strategic gaps between settlements
- Policy GSP5: National Site Network designated habitat sites and species avoidance and mitigation
- Policy GSP6: Green infrastructure
- Policy GSP7: Potential strategic cycling and pedestrian routes
- Policy GSP8: Planning obligations
- Policy A1: Amenity
- Policy A2: Housing design principles
- Policy H1: Affordable housing tenure mix
- Policy H2: Delivering affordable housing on phased or cumulative developments
- Policy H3: Housing density
- Policy H4: Open space provision for new housing development
- Policy H11: Housing for the elderly and other vulnerable users
- Policy E1: Flood risk
- Policy E4: Trees and landscape
- Policy E6: Pollution and hazards in development
- Policy E7: Water conservation in new dwellings and holiday accommodation
- Policy I1: Vehicle parking for developments
- Policy I3: Foul drainage

8 Other Material Planning Considerations

Supplementary Planning Documents (SPD)

- Open Space SPD (adopted February 2023)
- The emerging Borough-wide Design Code Supplementary Planning Document (draft version July – October 2023).

National Planning Policy Framework (NPPF) (December 2023)

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

- Section 4: Decision Making
- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong, competitive economy

- Section 8: Promoting healthy and safe communities
- 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

National Planning Practice Guidance (NPPG) topics

- Appeals
- Appropriate Assessment
- Flood risk and coastal change
- Healthy and safe communities
- Housing for older and disabled people
- Housing supply and delivery
- Land affected by contamination
- Light pollution
- Natural environment
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Tree Preservation Orders and trees in conservation areas
- Use of planning conditions
- Water supply, wastewater and water quality

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.*

10. Assessment:

Principle of Development

- 10.1 The application seeks to enable residential development to become established at a location a significant distance outside of the development limits of Belton. As such the proposal is contrary to LPP2 policy GSP1 and represents a departure from the development plan. Policy GSP1 states:

“Development will not be permitted on land outside of Development Limits except where:

- a. it comprises agricultural or forestry development;*
- b. it comprises the provision of utilities and highway infrastructure; or*
- c. specific policies in the Local Plan indicate otherwise.”*

- 10.2 The application proposes residential dwelling use, but does not offer any formal provision to address specific needs or types of residential use which local plan policy has indicated would be permissible outside of development limits: i.e. this is not a form of recognised affordable housing to meet local needs (policy CS4 / UCS4); the touring caravan use is not intended for use by gypsies or travellers (policy CS5 / UCS5); it does not provide rural worker housing, or makes no commitment to ensure occupancy is restricted thus (policy H5); it is not replacement housing (H8); nor does it make a suitable case for providing housing to meet an identified need for older persons or vulnerable persons’ accommodation (policy H11, which in any case would require the site to be adjacent to the development limits anyway).
- 10.3 The applicant has indicated that some parts of the touring caravan park are already use for permanent residential use, and suggests there are benefits to be gained from this site doing the same. It is noted that the Borough’s community does include residents for whom a touring caravan provides suitable necessary, and in some instances, desirable residential accommodation, but there are unlikely to be any sectors of the community for whom a public authority could endorse a touring caravan as suitable permanent residential accommodation as a primary or sole residence. It would not, therefore, represent a form of housing that would usually be endorsed or planned-for to contribute towards the identified housing needs of the Borough.
- 10.4 Nevertheless, any new planning permission granted (or any planning status which has already confirmed that touring caravans can be used as permanent residential accommodation) would make a contribution towards achieving a proportion of the Borough’s housing supply over the plan period. It must therefore be considered how significant that contribution would be in achieving the necessary housing targets.
- 10.5 Under policy CS2, Belton is defined as one of six Primary Villages in the Borough which between them are planned to deliver approximately 30% of new residential development, between 2013 and 2030 (which is on average just 5% per village, although no village-specific targets are set in the plan).
- 10.6 Policy UCS3 (adopted December 2021) has amended those original housing targets but has not affected the distribution requirements. The housing target is for the Borough to make

provision for at least 5,303 new homes by 2030. The Primary Villages' 30% share of that would be 1,591 new homes, of which 578 have been completed since the beginning of the plan period in 2013, with a further 1,142 homes committed through planning permissions and plan-led site allocations. Together, that means that the Primary Villages have already contributed 1,720 homes towards the overall housing target and (subject to delivery by 2030) would provide an excess of at least 130 dwellings more than the 1,591 homes that would be expected under policy CS3.

- 10.7 The completions and commitments for Primary Villages will therefore achieve and exceed the approximate 30% housing delivery target required by adopted policy. It is also worth noting that this is in addition to the successful housing delivery experienced elsewhere across the hierarchy, such as within Key Service Centre settlements, where delivery has been significant. Furthermore, the Borough is able to demonstrate a 6.34 year supply of housing across the Borough for the five years from April 2023. The figures have been taken from the latest Annual Monitoring Report and Five Year Housing Land Supply Statement as at 01 April 2023.
- 10.8 Whilst it is recognised that housing targets are not a 'ceiling' to new residential development, these figures do nevertheless highlight that there is no need to provide additional permanent residential accommodation units or uses in the Borough's Primary Villages where they are in unsuitable locations. The recent confirmation that the Council can achieve an excess of 5 year housing land supply (with suitable buffer) also means the NPPF's 'tilted balance' towards sustainable development does not apply. As such it is considered that there is limited need to consider the merits of housing in the countryside and outside primary villages especially, where the proposed sites are in unsuitable, unsustainable and inappropriate locations or where they fail to provide a suitable standard of development, or in this case an unsuitable form of housing accommodation.
- 10.9 Accordingly, the proposal represents an unsuitable form of residential accommodation in an inappropriate location within designated Countryside and with little additional benefit for addressing the overall housing needs of the Borough. The application is therefore considered contrary to policies CS1, CS2 and GSP1, and fails to provide any justification for providing new residential development in the countryside pursuant to policies CS4, CS5, H5, H8 or H11.

Proximity to settlements and accessibility to services

- 10.10 The application site and the entire touring park are outside the designated Development Limits boundary delineated by policy CS2 of the Core Strategy. The Development Limit has been drawn to run alongside part of the southern third of the remainder of the touring park, to enclose the agricultural field on the southeast boundary of the touring park. The reason for doing so was because the field was once anticipated to be developed under planning permission 06/15/0622/F (land at New Road, Belton) for 64 dwellings, granted on 08th June 2018. The extent of that historic permission, and the boundary of the development limits drawn around it, leaves the closest part of the application site (excluding the access road) - i.e. the southernmost boundary of the proposed residential area – some 265m distant from the edge of the current defined development limit.
- 10.11 Implementation of the permission 06/15/0622/F was required to commence by June 2021 but there are no Planning records to suggest this has ever taken place, and there are no planning records of the various pre-commencement conditions having ever been applied to be discharged, all of which suggests that the permission for 64 dwellings has likely expired. It is

understood that the boundary of the development limit was established by the adoption of the Local Plan Part 2 in December 2021 because the permission was technically extant at the time the Inspector's main modifications from the Examination were being published earlier in the year.

- 10.12 In summary, planning permission will still be needed to develop the adjoining site, so there is no approved 'principle of development' in that location, and it is an option available to the Local Planning Authority to revise the current boundary line in the forthcoming Replacement Local Plan if it deemed it appropriate to do so, as part of the longer-term plan making process.
- 10.13 What can be acknowledged now is that, in the absence of a specific site allocation policy, the land to the east of the touring park and at least 265m from the closest part of the application site has no relevant planning history material to the consideration of this application. That land should not be considered to form part of the existing urban settlement, and nor should it be assumed to one day take on an urban character, or be assumed to comprise the development limit for Belton in the future. This means the whole length of the touring park should be considered separate from any existing or expected development.
- 10.14 This means the only urban development closest to the touring park's railway cutting are the handful of dwellings and the future housing allocation (policy BN1) on the south side of New Road, some 150m to the southeast of the cutting (the area which the applicant states is established for use as permanent touring caravan residential accommodation). The touring park is therefore expected to remain screened from views on New Road by the mature hedging and trees on the north side of New Road and on the side of the cutting itself. The application site itself is, by extension, expected to remain at least 400m separate from the closest urban development (the BN1 allocation to the south).
- 10.15 Notwithstanding the position of the Local Plan development limits, the closest part of the application site is some 510m from Stepshort and the means of access into the built-up area of Belton. Other than 18no. dwellings on Stepshort, to the west of the junction with the application site, the development limits for the village of Belton encompass existing development entirely to the south of the touring caravan park access. The development limits for the elongated village of Burgh Castle are some 250m to the west along Stepshort, but there are no shops and/or services in Burgh Castle other than small kiosk outlets within holiday parks at least 850m distant.
- 10.16 Whilst the nearby Burgh Castle is a defined Secondary Village, the village of Belton adjoining the caravan park is a defined Primary Village (see policy UCS2). However, the only Local Centre for retailing in Belton is at Bell Lane / The Staithe (as defined by policies CS7 and UCS7).
- 10.17 The most direct walking route from the caravan park to the shops at the Local Centre at Bell Lane / The Staithe would be via Farman Close, then New Road and then through the back alleys comprising footpath 'Belton FP2a' crossing either side of St George's Road; a route of approximately 450m from the entrance drive on Stepshort. Noting that this route is unappealing due to its narrow, secluded and unlit nature it is perhaps unlikely to form the preferred walking route, but a route via Deben Drive would also be 450m. Cyclists would likely avoid Farman Close and travel approximately 505m from the Stepshort entrance, taking the same route as cars. When adding the 510m distance along the touring park access drive to its junction with Stepshort, the application site is between 960m (at the southern end) and 1,280m (at its northern end) from the Bell Lane local retail centre.

- 10.18 It is considered inappropriate for either Burgh Castle or Belton to be considered able to satisfy the day-to-day services and basic needs of future permanent residents at the proposed application site.
- 10.19 Whilst there is a bus stop opposite the site entrance into the Rose Farm caravan park, the service is not frequent along Stepshort itself. Most services route via New Road and the bus stop which is 230m from the caravan park entrance outside the Kings Head public house. According to information on www.bustimes.org (accessed 15.01.24), a regular service is available from New Road into Lowestoft, Bradwell, Gorleston and Great Yarmouth and sometimes to Norwich at 30 minute intervals from 06:59 – 19:27. Another commuter route to Bradwell, Gorleston and Great Yarmouth is possible in the morning (07:44) and at night (21:00) (Service 6B).
- 10.20 Routes via Stepshort and the stop outside the caravan park are very infrequent but Service route 5 connects Burgh Castle with Great Yarmouth via Belton, twice per day in the afternoon (14:28 and 15:33), from where connections can lead to Gorleston and Great Yarmouth but there are no return services to Stepshort. The service 931 route connects Burgh Castle with the Ormiston Venture Academy in Gorleston via the Stepshort / Rose Farm stop each morning (07:52) and returns in the afternoon (15:20), but this is primarily a student service and it is doubtful that families including children should be encouraged to reside in a touring caravan (and it would not be in planning's control to affect occupancy in such a way).
- 10.21 Government guidance expects that residential development should be located within 400m walking distance of suitable public transport services as a maximum acceptable walking distance. Whilst there are some sporadic services to Stepshort, the application site is still 510m from the bus stop. The frequent bus services available from New Road are still some 740m walking distance from the application site.
- 10.22 Notwithstanding Belton's designation as a Primary Village, the application site is significantly detached from the shops and services within the village by a significant distance. It is also unacceptably far from the closest public transport connections to other higher-order settlements with greater services, health care and employment opportunities. In most instances, future residents will see no practical option other than to drive to the facilities in the village or to the workplace or health care facilities. The location of the site some way beyond the settlement boundary attracts significant weight against the scheme, as an unsustainable and inaccessible location unsuited to permanent residential use, contrary to policies CS1, CS2 and GSP1.

Design and future residential amenity

- 10.23 The application, if approved, would result in an unspecified number of touring caravans being occupied within the site for permanent residential use. There is no ability to control the size of caravans, including the number of bedrooms, nor their appearance or facilities. Many types of structures are proposed as 'caravans', generally in the sense of being classed as static caravans, which include chalet-type structures. Residential use of the site as a rule would introduce a permanency that could allow caravans to be sited on a permanent basis, with an associated need for infrastructure connections etc, but arguably a lesser need than for touring caravans. As the application has proposed "*... the use of existing holiday accommodation as residential with year-round occupancy*", it is considered the residential use is intended to be within touring caravans, as it the case with the existing holiday uses, which would have a greater demand for facilities.

- 10.24 The application is not considered suitable for residential use because the application includes no proposals for facilities and services for residents. There are no service connections within this part of the site and no evidence has been provided that there are basic suitable utilities or infrastructure available. The application has not presented any proposed layout or site design which indicates whether future caravans will benefit from private external amenity space or suitable parking arrangements, including secure cycle parking provision, nor inclusive refuse collection arrangements, or measures to reduce or remove the risk of or fear of crime, for example, all of which are expected by policy A2 to be incorporated into the proposal and contribute to a satisfactory internal site layout.
- 10.25 It is also not in the control of planning to be able to ensure that any touring (or static) caravan can provide suitable internal space standards in line with the nationally described space standard which is advocated by the national planning practice guidance. The proposals may not result in suitable standards of accommodation and internal amenity.
- 10.26 Furthermore, within the Local Plan, policy A2 expects all new residential uses to [A2(g)] *"...be designed where possible to be adaptable to changing needs and existing and emerging technologies such as home-working, digital connectivity and electric/autonomous vehicles."* Similarly, in accordance with A2(f), all *"new homes' should be able to meet requirement M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings where practicable."* Clearly the use of caravans is not able to provide a suitable standard in either respect, and it is not considered appropriate to endorse the residential use of site which cannot provide the necessary facilities or standards of accommodation from the outset.
- 10.27 The proposal not only fails to demonstrate that it can provide adequate utilities, infrastructure and services for future residents, but it also fails to provide suitable standards of residential accommodation through the design of the site and/or its intended purpose, either from the outset or in terms of the future adaptability of accommodation. The development is therefore contrary to policies CS9, CS16, A2 and the emerging draft Design Code SPD, and contrary to paragraphs 135 d) and 130 f) of the NPPF, all of which set out requirements to provide a high standard of amenity for existing and future residential users and their impacts on neighbours. Where proposals fail to include suitable standards, both policy A2 and the NPPF paragraph 139 make clear that applications should be refused, and policy A2 states: *"Planning applications will be refused for housing development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."*

Design, landscaping and visual impacts on the area

- 10.28 Core Strategy Policies CS9 and CS11, and Local Plan Part 2 policies GSP6, A2 and E4 concern the protection, promotion and enhancement of natural assets, landscaping features and biodiversity within all developments and in particular residential environments.
- 10.29 Policy CS9(g) states: *"The Council will ensure that all new developments within the borough:...Conserve and enhance biodiversity, landscape features and townscape quality."*
- 10.30 Policy GSP6 states: *"Opportunities will be sought through development to strengthen and extend the area's Green Infrastructure network, including for the benefit of nature conservation, recreation or landscapes, creating resilience to current and future pressures on the ecological network or any appropriate combination of these", in order to: "contribute to and enhance the natural environment, provide a proactive approach to mitigating and adapting to climate change and deliver net-gains for biodiversity".*

- 10.31 Although policy A2 is arguably more orientated towards new dwelling construction, its objectives are clear in needing to ensure appropriate high quality residential environments. A development of caravans which are to be occupied on a permanent residential basis is no different in that respect.
- 10.32 The importance of incorporating natural features and introducing a well-considered landscaping scheme is essential to residential wellbeing and good design in any development, which, as policy A2 states, should *“demonstrate high quality design which reflects reflect local distinctiveness and creates attractive and functional environments”*.
- 10.33 Policy A2(a) sets out that:
- *“Development should reflect and have regard to ... topography, landscape and drainage.*
 - *Development should take advantage of opportunities to enhance ... local landscapes/townscape.”*
- 10.34 A2 criteria (c) and (d) advocate development identity and spacing, landscaping and movements, all of which could be achieved and enhanced by an appropriate landscaping strategy.
- 10.35 A2 part (e) requires that:
- *“Existing natural features and trees should be incorporated in the development.*
 - *Landscaping should be provided throughout the site including tree-lined streets.*
 - *Open spaces should include natural features, be well overlooked, have a clear purpose and be in an accessible location within the development.”*
- 10.36 Policy CS11(h) states: *“The Council will work with other partner authorities and agencies to improve the borough’s natural environment... This will be achieved by: h) Ensuring that all new development appropriately contributes to the creation of biodiversity and/or geodiversity features through the use of landscaping, building and construction features, sustainable drainage systems and geological exposures”*
- 10.37 Policy E4 expects that *“Developments should include landscaping schemes as appropriate to the size and nature of the development in order to mitigate impacts on and where possible enhance the local landscape character.”*
- 10.38 As presented, the application has not included any landscaping scheme proposals nor suggested the means to include landscaping in a layout of development. Planning conditions on an approval could not resolve this without a layout of development showing where strategic and structural landscaping will feature and which allows assessment within the overall context of landscape and biodiversity conservation and enhancement. This becomes even more important when considering the recent removal of established and valued natural assets within the site which led to the need for designation of a Tree Preservation Order in the first instance.
- 10.39 The proposal under consideration therefore fails to provide a suitable residential use or form of development, and fails to provide appropriate landscaping to the benefit of both the environment and future residents. The application has not demonstrated how the site’s

layout and use will make best use of existing natural features to create a lasting high quality residential environment, and is therefore contrary to policies CS9, A2, E4, and the expectations of the draft Borough-wide Design Code Supplementary Planning Document.

Impacts on protected trees and natural assets

- 10.40 The site used to include more trees than which are present currently, but a number of valuable trees were removed in the summer of 2023. The Council's Arboricultural Officer visited the following a public Tree Preservation Order request, following the removal of a number of valuable trees, and determined that the remaining trees should be retained and assessed for a Tree Preservation Order. To that end, TPO No. 13 2023 was issued in July 2023.
- 10.41 The Tree Officer has correctly assumed that there are unlikely to be any effects on the protected trees or the hedging etc at the site solely by the principle of just a change of use of the site from holiday-making to permanent residential occupancy, were the development to comprise just the retention of existing touring caravans or the siting of new touring caravans on existing pitches or pads/footings.
- 10.42 However, were the site to be used for permanent occupancy the residents would likely seek to introduce other structures or installations or domestic paraphernalia into the site, including works under 'permitted development'. This would increase pressure on the trees, for example through impacts on the root plate by compaction, or development in its root protection area or canopy, or through pressure to reduce or remove sources of shading.
- 10.43 Furthermore, the application has not set out what, if any, operational development may be required to facilitate the future proposed development; these might include widening the access route, adding passing bays or installing parking areas, notwithstanding the facilities that should be available for permanent residents, but no information is presented to identify what impacts they might have.
- 10.44 Ordinarily an application would include a scheme for tree management and protection during the lifetime of the site's use, but no such information has been presented for consideration. Whilst an approval of permission could remove all permitted development rights for the whole site this would seem unreasonable on future occupants unaffected by or distant from trees, so any approval would need to be able to identify which residential plots would need to be subject to certain specific controls. In the absence of appropriate information to inform such proposals, the concerns in respect of trees cannot be resolved by the use of planning conditions.
- 10.45 The application has not detailed any facilities or infrastructure proposals which would reasonably be expected to support the permanent use of the site, nor proposed any plot identifications or a site layout plan, and has not provided any tree management plans or protection measures. As such, it is not considered possible to ensure the continued protection or health of the trees and hedges at the site, nor address any immediate impacts on protected trees.
- 10.46 As such the proposal fails to ensure the integration and continued protection and enhancement of trees and natural assets, contrary to adopted policies CS11, GSP6 and E4, and has not demonstrated that the site design / layout / use will make best use of existing natural features and create a lasting high quality residential environment, contrary to policies CS9, A2, E4, and the expectations of the draft Borough-wide Design Code Supplementary Planning Document.

Impacts on the landscape setting and Strategic Gap

- 10.47 The application site is positioned between the settlements of Belton and Bradwell. The Core Strategy (2015) and Local Plan Part 2 (2021) set out the requirement to maintain a 'Strategic Gap' between these settlements, under policies CS11(l) and GSP3.
- 10.48 Core Strategy policy CS11 (l) established the principle of maintaining the separation of the two settlements, describing the importance of doing so at paragraph 4.11.21:
- "The allocation and protection of strategic gaps between settlements will help to ensure that they retain their unique identities and maintain and enhance their landscape setting. ... it is likely that incremental development will eventually lead to coalescence and in turn the loss of the individual character and/or setting of the settlements concerned."*
- 10.49 Policy GSP3 goes on to confirm that:
- "The gaps between the following built up areas [including Bradwell and Belton], will be protected from development which individually or cumulatively, significantly reduces either the physical size of the gaps themselves, their general openness or, where relevant, their rural character."*
- 10.50 Whilst the policy has not defined a specific area where it considers the Strategic Gap to lie, the policy supporting text at paragraph 2.11 and 2.13 provides a suitable steer, and when considered on available mapping suggests that the application site would form the north-western arm of a triangle encompassing the land north and south of New Road, as below:
- "2.11 The Borough is characterised by a number of settlements, generally located close to one another. The Local Plan seeks to maintain the separate identities of these, and maintain distinct gaps as far as practicable. The Core Strategy stated this Plan would include Strategic Gaps between Great Yarmouth and Caister-on-Sea, Bradwell and Belton, and Gorleston-on-Sea and Hopton-on-Sea, and consider others. The Development Limits provide a degree of control to such ends, but this policy applies further considerations to development which may be proposed outside those limits in accordance with other policies of the Plan."*
- 2.13 The Strategic Gap between Bradwell & Belton comprises the area between the edge of Bradwell and the Belton Housing Allocation (BN1) along New Road and is largely undeveloped, aside from the Sports and Social Club. The land between the two settlements is largely made up of Grade 2 agricultural land and preserves a rural gap between the built-up areas."*
- 10.51 The proposal seeks to establish a permanent residential use at the site, creating a situation where even touring caravans and their associated chattels and domestic paraphernalia could become permanent features of the landscape, being permitted to be stationed in an elongated form extending into the Countryside on a year-round permanent basis.
- 10.52 The site's position is not consolidated with the rest of the caravan park and is unable to be experienced as part of the settlement, or even being close to the settlement. The proposal will extend a form of development between the settlements and in terms of its appearance, it is unlikely that the proposal would be able to mitigate the impacts on landscape character given that there are no controls available on the colour, size or scale of the touring caravans to be used, and nor is there any mitigation proposed in the application. As a result, the development will reduce the sense of openness between the two settlements.

- 10.53 The Settlement Fringe Study (2016) identifies that the landscape has a moderate sensitivity but has a high visibility where the tree cover opens out. The woodland cover which follows a drainage watercourse from the River Waveney (to the west of the application site) provides a dark, small scale and sparsely settled, tranquil landscape. It is important that the proposed use does not disrupt this tranquil rural character.
- 10.54 However, introducing permanent features within the landscape, and adding to that the impacts from lighting associated with permanent residential use, will cumulatively have a detrimental impact on the landscape. Although within a shallow former railway cutting, the site is not so low that the development is not entirely hidden in medium and long-range views, and this may have increased as a result of tree belt removals in 2023. The visual impacts from touring caravans stationed in the application site, on a permanent and year-round basis, and occupied as such, when their appearance cannot be controlled, will have a detrimental impact on the character of the area and the landscape setting. No landscape visual impact assessment has been presented to justify the development or demonstrate the impacts would be minimal or capable of mitigation, and no mitigation in the form of natural screening has been proposed within the application. Furthermore, no lighting impact assessment has been presented to investigate the value or impacts of light pollution which will be caused, and which without mitigation will undermine the objective of preserving dark skies and rural night-time character.
- 10.55 It is not possible to impose conditions to address any of these impacts without first understanding where the impact originates, what its extent is, nor what possibilities there are which are in the applicants control to provide mitigation. As such the application is likely to have a detrimental impact in the landscape value, setting and quality of the natural character of the area, and is considered unacceptable without proposed mitigation.
- 10.56 The proposal will also likely have an undesirable impact through causing erosion of the natural strategic gap between Belton and Bradwell and removing the existing separation between the two settlements, increasing the sense of coalescence of the two settlements.
- 10.57 The application is therefore considered detrimental to maintaining landscape character and the area's natural appearance. It is considered the application will reduce the sense of openness between the two settlements of Belton and Bradwell by introducing permanent residential-based development detached from existing settlements into an area which would be regarded as forming part of the protected Strategic Gap between settlements. In so doing the proposal will also increase the spread of light pollution into the countryside at the expense of the rural dark sky character. This causes an erosion of the landscape character and rural appearance of the area, and increases the sense of coalescence of the two settlements, contrary to adopted policies CS1, CS9, CS11, GSP3, A2(e), E4 and E6.

Impacts on Ecology and Biodiversity

- 10.58 Policy CS9(g) states: *"the Council will ensure that all new developments within the borough:...Conserve and enhance biodiversity, landscape features and townscape quality."*
- 10.59 Policy GSP6 states: *"opportunities will be sought through development to strengthen and extend the area's Green Infrastructure network, including for the benefit of nature conservation, recreation or landscapes, creating resilience to current and future pressures on the ecological network or any appropriate combination of these". This is in order to: "contribute to and enhance the natural environment, provide a proactive approach to mitigating and adapting to climate change and deliver net-gains for biodiversity".*

- 10.60 Policy CS11(g) states: *“The Council will work with other partner authorities and agencies to improve the borough’s natural environment... This will be achieved by: g) Ensuring that all new development takes measures to avoid or reduce adverse impacts on existing biodiversity and geodiversity assets. Where adverse impacts are unavoidable, suitable measures will be required to mitigate any adverse impacts. Where mitigation is not possible, the Council will require that full compensatory provision be made”.*
- 10.61 The development has not been accompanied by any evidence that it would avoid either a direct or indirect impact on protected species or existing ecological and biodiversity assets.
- 10.62 Regrettably the recent loss of natural assets and vegetation from the site will have much reduced on-site habitat and ecological corridors at the site.
- 10.63 The proposed development will introduce permanent occupancy and use of the site, and with that will come year-round lighting, from greater use of caravans and vehicles but also through pressure for permanent or structural lighting. This could be detrimental to any protected species but especially detrimental to bats which are likely to use the former railway cutting as a foraging and movement corridor, given the landform topography and its hedging and tree lined appearance. In the absence of appropriate information in the form of protected species survey and ecological impact assessment, it is not possible to confirm there will be no unacceptable impacts on ecology.
- 10.64 Planning conditions could be imposed on an approval to restrict or even prevent lighting installations, or control the use of lighting types, but it would be inappropriate to do so if the impacts on protected species have not been assessed in the first place. The applicant might suggest that the holiday-making part of the application site allows unrestricted occupancy so disturbance might already be possible year-round, but it is considered an inappropriate argument to make given that holiday tourism uses are temporary in nature, especially so with touring caravans, and do not comprise a persons sole or permanent residence which would be possible if this application were to be allowed.
- 10.65 No ecological impact assessment has been provided with the application, so the impacts on protected species in particular cannot be quantified under the new form of use. Furthermore, no biodiversity enhancement plans are proposed. In both respects this makes the application unacceptable because, similar to the need for including appropriate structural landscaping, residential developments must avoid unacceptable ecological harm from the development, and also provide biodiversity enhancements within the development. The application is therefore contrary to the requirements of policies CS9, CS11 and GSP4.

Access, Traffic and Highways impacts

- 10.66 The Local Highway Authority has confirmed that there are no highways objections to the principle of the development on highways safety grounds, although conditions would be required on any approval to ensure the appropriate provision of access widths, passing bays and visibility splays at the site entrance. The Highway Authority considers the existing permission as year-round holiday use, and the established position of some permanent residential uses at the site, to create a sufficient baseline for existing highway movements that the new development would not cause additional unacceptable concerns.
- 10.67 The Highway Authority has identified that the proposal lacks adequate cycle and footpath connection to the enhanced local and wider cycle and pedestrian footpath network on New

Road, a distance of approximately 97m from the caravan site entrance. LPA Officers consider these to be contributing factors to the overall unsustainable and inaccessible location of the application site. Were the principle of development accepted outright, or accepted subject to the provision of new and improved pedestrian and cycle links, these would need to be secured by planning conditions.

- 10.68 There are significant highway verge widths either side of Stepshort which could be used to connect the touring park site with New Road. Furthermore, there is ample highway land available to improve the existing less desirable footpath connection to Farman Close, or even provide a shorter cycle route onto that road.
- 10.69 Both aspects of highways infrastructure improvements would be considered necessary to provide appropriate essential infrastructure to support residential use at the site and help improve the site's accessibility, were the principle of development to be accepted in the first place. Such works would also be considered to provide additional benefits in terms of addressing the lack of facilities for the wider community and the residential caravans and tourism caravans already at the site. A requirement to provide the footpath link and cycle lane infrastructure is therefore both considered necessary and reasonable and related to the development under consideration, and would therefore be justified to be required as a condition on any permission to be granted.
- 10.70 However, the application does not propose to provide any local highway network infrastructure improvements or improved connections thereto, nor has any evidence been provided to suggest that such measures would be unfeasible or unviable. Without this it cannot be determined precisely how detached and inaccessible the site is from existing pedestrian and cycle networks, and, aside from the distances involved, it must be assumed that the development cannot provide suitable safe and convenient accessible connections to sustainable modes of transport and local facilities. As such the development is contrary to policies CS1, CS9, CS14, CS16, GSP8, A2 and the expectations of the NPPF.
- 10.71 The Highway Authority submitted an initial response in January 2023 which stated there was no objection to the proposal. Officers have clarified this with the Local Highway Authority, as there are various factors which would ordinarily attract further assessment for a residential development of this scale in this location. The Highway Authority has since clarified matters as below:
- 10.72 *Site access and visibility* - The site access off Stepshort has visibility in accordance with current guidance; Manual for Streets being applicable in this case. The access is 10m wide at the carriageway edge and tapers back to 6.3m wide 6.0m from the carriageway edge. At 10.0m back from the edge of the carriageway the private access road is around 5.0-5.5m wide and gradually tapers down to around 3.0m further into the site. Immediately adjacent to the access (within the site) is a large area suitable for vehicles to pull over to pass within the site. There are no recorded personal injury accidents recorded at the highway access within the last 5 years.
- 10.73 The need to ensure this space is available for vehicle passing and manouvering would require conditions to be imposed on the 'blue land' of the application site – ie land in the applicants control but not in the application site itself. The applicant has not proposed such measures but these could be secured by a plan to be agreed by conditions, were approval to be granted.

- 10.74 *Highway access links* – The Highway Authority has confirmed that: “The 145 permitted units are currently served via a private drive and therefore outside the jurisdiction of the Highway Authority. Whilst for new residential development the LHA consider such development is best served from an adopted highway, the site presently operates from a private drive and the LHA would not seek for an adopted highway to serve the proposals.” As such, no mitigation would be necessary as a result.
- 10.75 *Quantum and character of the new use* – The Highway Authority has stated that: “Whilst residential use may increase vehicle movements, this needs to be offset against the present permitted use(s) site which and that caravan movements may reduce with all year permitted residential use. The present age restriction on the present permitted residential use of the site years offers no barrier to driving. People over 50 years of age are still likely to be in employment and have active lifestyles in which mobility and access play a major role and there is no realistic expectation whatsoever that over 50s in an area such as this will give up using a car in totality. The existing local highway network is of an appropriate standard and the proposals are unlikely to give rise to any network capacity concerns.” As such, no mitigation would be necessary as a result.
- 10.76 *Local footway and cycle path connections* – The Highway Authority has stated that: “The LPA will be aware of the footway/cycleway along New Road (a County Funded Capital Scheme) that connects to Bradwell. In hindsight, with respect to this application, a recommendation of a footway or footway/cycleway link to this along Stepshort should have been recommended. However, given the nature of the application the tests within the NPPF have to be considered and whether such a recommendation would meet those tests for the application.”
- 10.77 The Highway Authority has identified that the proposal lacks adequate cycle and footpath connection to the enhanced local and wider cycle and pedestrian footpath network on New Road, a distance of approximately 97m from the caravan site entrance. There are significant highway verge widths either side of Stepshort which could be used to connect the touring park site with New Road. Furthermore, there is ample highway land available to improve the existing less desirable footpath connection to Farman Close, or even provide a shorter cycle route onto that road. No proposals have been included to provide such highway improvements, nor has any evidence been provided to suggest that such measures would be unfeasible or unviable.
- 10.78 Both aspects of highways infrastructure improvements would be considered necessary to provide appropriate essential infrastructure to support residential use at the site and help improve the site’s accessibility, were the principle of development to be accepted in the first place. Such works would also be considered to provide additional benefits in terms of addressing the lack of facilities for the wider community and the residential caravans and tourism caravans already at the site. A requirement to provide the footpath link and cycle lane infrastructure is therefore both considered necessary and reasonable and related to the development under consideration, and would therefore be justified to be required as a condition on any permission to be granted.
- 10.79 *Sustainability of the location* – The Highway Authority has stated that: “Overall, sustainability is a consideration of the LPA and what it is accepted the application, if approved, may increase demand on local services, that is not a matter for the LHA and presumably the appropriate parties that could advise on that were duly consulted. Clearly the present permitted uses already have demands on local services within the current community. There is a consideration of transport sustainability and accessibility, but there are bus stops, a school and other (albeit

limited) local services within 800m of the site; it is widely acknowledged that such facilities should be within 10 minutes walking distance (about 800m) which people may access comfortably on foot. The statutory walking distances to schools are 2 miles (3.2km) for children aged under 8, and 3 miles (4.8km) for children aged 8 and over."

- 10.80 The Highway Officer has also since clarified their comments above, re. distances to facilities:

"The 800m referred to relates to Manual for Streets advice that walkable neighbourhoods have local facilities within 10 minutes walking distance (about 800m) which people may access comfortably on foot.

In terms of bus stops, custom and practice for many years suggests a maximum walking distance of 400 metres to a bus stop (DOE, 1973). Current guidance proffers that up to 500m is considered acceptable depending on frequency of service. In this case bus stops are located on New Road (around 250m) from the site entrance and on Stepshort (around 30m) from the site entrance.

The Department for Education "Travel to school for children of compulsory school age: Statutory guidance for local authorities June 2023", sets the statutory walking distances used to determine whether a child is eligible for free travel to school. They are the distance beyond which a child who is attending their nearest suitable school is eligible for free travel arranged by their local authority. Where a child lives within the statutory walking distance (and is not eligible for free travel on any of the other grounds set out in this guidance) the parent is responsible for arranging their child's travel to school. The document does state that "There is no expectation that the child will walk. It is for the parent to determine what arrangements would be suitable for their child." The route must be the shortest route along which a child, accompanied as necessary, may walk in reasonable safety. This is not necessarily the shortest distance by road. The route may also include footpaths, bridleways, other pathways and alternative entrances to the school."

- 10.81 It is understood that the comfortable walking distance (and therefore the maximum expected distance to public transport) should be 400m - 500m. Whilst the Highway Officer considered the distance to the caravan park, they overlooked the distance to the application site itself, which is another 510m, which would make the route to bus services unacceptably long for even frequent services. The stated 'acceptable distances' to school are taken from a guidance document which concerns funding for transport subsidy, which in Officer's opinion is concerned with the costs of transport to parents not the feasibility or sustainability of modes of travel. In practice, a walking distance of 2-3 miles for children is not considered practicable nor sustainable, and cycling may not be feasible for children of primary school age (the guidance concerns children aged 8), particularly where there are no off-road cycle links from the application site.
- 10.82 An assessment of distances to facilities and services, and public transport service provision, are all considered later in the report, but it is considered that the Highway Officer comments have not provided a demonstrable reason why the application site should be considered accessible or sustainable for non-car transport.
- 10.83 *Overall assessment of highways impacts* – the Highway Officer has stated that in their opinion: *"Accordingly, in highway terms, with regard to the above considerations, it is not consider that the application if approved would have an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe. Likewise the site is not remote from local service provision or public transport, and whilst they may be limited, an objection on transport sustainability or accessibility would be difficult to sustain in this case."*

- 10.84 LPA Officers would observe that it is accepted that the vehicular movements and existing established uses at the site would not result in a highways concern sufficient to justify refusal of the application. However, as the Highway Officer acknowledges, the matter of the application site's accessibility to services, facilities and essential infrastructure, as a consideration of its overall sustainability, is a matter for the Local Planning Authority to determine, having regard to the overall objectives of the local plan and the material considerations at hand.
- 10.85 It is Officers' opinion that the application site is too remote and detached from local infrastructure and transport networks to be considered suitably accessible. Whilst required highways improvements could lessen the difficulty of access (if secured by conditions), the site would remain disconnected by unacceptable distance if not physical infrastructure. Therefore, notwithstanding the inference of the highway authority, the application site is considered an inappropriate location for residential use in terms of transport sustainability and accessibility.

Strategic cycle and walking connections

- 10.86 Local Plan Policy GSP7 has set out a requirement that:
- "Potential Strategic Cycling and Pedestrian Routes, as identified on the Policies Map, will be safeguarded from development which would prejudice their potential for future cycling or walking routes."*
- 10.87 One of the identified routes is within the former railway cutting between Stepshort and Dolles Lane. As such the site is within the strategic cycle route and footpath corridor for which there is an ambition to provide a new cycle and pedestrian route. Currently, there is no public access permitted along the cutting in either direction (neither as a public right of way nor as a permissive footpath).
- 10.88 No proposals are included in the application to suggest that the route will be safeguarded, nor is a layout proposed which would allow planning conditions to safeguard a route and ensure its availability of use. As presented, the application would encourage a use which creates a cul-de-sac with no through route and no means of connections for future residents or the wider community.
- 10.89 Policy GSP7 does identify that alternative provisions can be made where land is available or where proposed uses may justify a lack of integrated provision, as below:
- "An alternative use of any identified safeguarded route will only be permissible where a convenient, alternative route for the use is re-provided."*
- The Council will work with adjacent planning authorities in Norfolk and Suffolk to seek opportunities to improve greater strategic coverage of cycling and pedestrian access."*
- 10.90 However, no proposals have been presented for the *Strategic Cycling and Pedestrian Route's* creation as identified in policy GSP7 (as much as it is in the applicant's ability to do so). Neither has the application attempted to justify its non-provision, and it is not clear from the land ownership situation whether an alternative could be provided. As such the application has failed to address policy GSP7 by: overlooking the need to create a strategic cycling and pedestrian route within its control; proposing a use which will likely prevent the inclusion of a route within the development; making no provision to provide an alternative route; and including no proposed management measures to avoid sterilising all future possibilities of the

route being provided in the future. The development is therefore contrary to policies GSP7 and GSP8, and fails to promote healthy lifestyles and improve wider accessibility by sustainable means, contrary to the NPPF.

Affordable Housing

- 10.91 The application proposes permanent residential use on an application site of 1.28ha area (excluding the access drive), so amounts to a major application and one which would be expected to provide affordable housing.
- 10.92 The quantum of development proposed will trigger the need for affordable housing in accordance with Policy CS4. As amended by policy UCS4, the site falls within Affordable Housing Sub-Market Area 2 which requires 10% affordable housing provision on applications of 10 dwellings or more, or sites of 0.5ha or more. Residential use of this 1.28ha site might be expected to create 'standard' housing accommodation of 'bricks and mortar dwellings' amounting to at least 26 'dwelling uses' per hectare, if the standards for density of residential use were taken into account as outlined under policy H3; although in practice a site comprising touring caravans with a minimum separation distances of 6m for fire prevention reasons might be expected to accommodate a significant increased number of dwelling uses more than the density expected of a residential scheme of 'bricks and mortar' dwellings which have a variety of sizes and much larger footprints than touring caravans.
- 10.93 As a minimum, the development should make a contribution of at least 3no. affordable homes to comply with policies CS4 and UCS4.
- 10.94 Furthermore, local plan policy H2 requires assessment of this site alongside its neighbouring land with regard to the consideration of cumulative affordable housing provision. Policy H2 states:
- "Where residential sites are proposed adjacent to a recently permitted scheme (within the past 3 years) and identified as phased or cumulative development, as evidenced in addition to one or more of the below criteria, the affordable housing requirement will be calculated based on the total development (i.e. the site subject to the application together with any adjacent plots meeting the criteria below), and not treated individually.*
- a. The application site is the same ownership as one or more adjacent plots of land.*
 - b. (not relevant to this proposal)*
 - c. (not relevant to this proposal)."*
- 10.95 The entire extent of the Rose Farm caravan park located adjacent but outside the current application site was confirmed as being able to be used for residential accommodation, on 23rd June 2020 (application 06/19/0357/PU), for the use as *"Use of the Land for siting of residential park homes for occupation as a person's sole or main residence for people over the age of 50"*. The status was confirmed by the permitted certificate of lawful use issued by the LPA on 23/06/2020. Policy H2 is considered to be engaged in this instance because that site is contiguous with the current application site, and the current application was proposed within three years of the permitted status of the remainder of the caravan site.
- 10.96 Supporting information submitted with application 06/19/0357/PU showed:
- (a) the previous use of that site was capable of hosting 142no. holiday caravans (shown in submitted plan 1373.1.1), which is consistent with the two applications for certificates of lawful established use for caravan holiday accommodation submitted prior to that

(06/18/0472/PU and 06/18/0092/PU) which stated that 145 caravans were sited within the whole of the park including the current application site; and,

(b) As a submission to justify the aforementioned permitted established residential use on the remainder of the holiday park to the south, within application 06/19/0357/PU, the applicant also submitted a plan (ref 1373.1.2) which showed that 80no. residential caravans would be sited for residential use. It is not unreasonable to assume that the certificate was issued on the understanding that the site was laid out in accordance with that plan which was presented as the existing use.

10.97 As such, the application of policy H2 to this proposal would expect that an affordable housing contribution should be considered in terms of the *“affordable housing requirement will be calculated based on the total development (i.e. the site subject to the application together with any adjacent plots meeting the criteria below), and not treated individually.”* In this sense the affordable housing requirement should be the 10% of policy CS4 applied across a combined development site comprising at least 106 ‘dwelling uses’ (calculated as at least 80 on the land to the south and at least 26 at the application site). The affordable housing provision required by policy H2 should therefore be 11no. affordable housing units or appropriate alternative provision.

10.98 Providing residential accommodation for those in housing needs, by housing people within touring caravans or allowing the ‘use’ of the site for affordable housing would not address the affordable housing need by provision on-site, as required by policy in the first instance. In the alternative, the Council would expect the application to propose alternative mitigation such as offering an appropriate financial contribution ‘in lieu’. No such mitigation is proposed, and neither has a case been presented to suggest that the development would be unviable once affordable housing provision is accounted for. Furthermore, no proposals have been presented to suggest that the development offers an acceptable alternative form of ‘housing in need’ to justify the lack of formal affordable housing provision within the development. As such, the development is contrary to policies CS4, UCS4 and H2.

Public Open Space

10.99 In accordance with Policy H4 and the adopted Open Space Supplementary Planning Document, public open space should be provided within the site. No proposals are made for its inclusion. Policy H4 would expect at least 103sqm per ‘dwelling’ within the use, or a financial contribution in lieu where there are acknowledged difficulties in providing the necessary requirements within the development.

10.100 Policy H4(e) makes clear that where the applicant proposes a financial contribution in lieu of on-site provision, it will only be considered favourably when the application is also confirmed to be *“meeting the following additional requirements:*

- *a development that contains sufficient space to ensure a high standard of layout and amenity to the residents and neighbours of the proposed development and to ensure it integrates well into the wider landscape or townscape setting; and*
- *a reasonable prospect of delivery of appropriate off-site provision in the locality in the near future, having regard to the amount of the financial contribution, the existence of administrative arrangements for delivery, and (where relevant) the availability of suitable land.”*

10.101 The development as submitted has not shown any proposed high standard of layout and amenity or landscape integration, and no evidence has been proposed to suggest that off-

site provision can be achieved. Furthermore, the ability to access any off-site open space facilities is significantly compromised by the site's distance from facilities and suitable cycling and walking network connections, as discussed earlier in the report.

- 10.102 In the absence of suitable open space provision, and the inability to justify provision off-site by financial contribution in lieu, the application fails to provide a suitable standard of development for residential uses and is contrary to policies CS14, GSP8 and H4.

Public / Community Infrastructure and Planning Obligations

- 10.103 The application proposes permanent residential use on an application site of 1.28ha area (excluding the access drive), so amounts to a major application and one which would be expected to provide for various types of community infrastructure, which would ordinarily be secured by planning obligations. No proposed planning obligations are included in the application. The following aspects would be expected for a residential development of such scale:

- Local library resource enhancement and investment;
- Local schools' investment for resources and expansion;
- Green infrastructure and Public Rights Of Way network enhancements.

- 10.104 The above requirements are usually justified from developments of at least 10 dwellings in accordance with the NPPF, where there is an impact that needs to be addressed, in accordance with policies CS14 and GSP8. However, the above items are only sought from the County Council as service provider on schemes of 20 dwellings or more in accordance with the County Council consultation protocol. Unfortunately, the County Council's Planning Obligations team had not been consulted prior to the writing of this report, but consultation has been requested and any comments received will be provided to the Committee meeting and Planning Inspectorate. Notwithstanding the absence of consultation during the consideration of the application, the application as submitted has not made any allowance for addressing planning obligation requirements, so is contrary to policies CS14 and GSP8.

- 10.105 Other infrastructure such as health care investments, expanded policing resources, and active travel measures for example, are not sought from schemes of fewer than 50 dwellings (in the case of policing and health care consultees) or 150 dwellings (Active Travel England).

Impact on Protected Sites (County-level, National, International)

- 10.106 The application proposes residential uses which might amount to at least 26 dwellings if calculated conservatively in line with the density expectations of policy H3. Although there is a year-round holiday accommodation use already existing at the site, there may still likely be a net-increase in 'dwelling equivalents' compared to the existing use. Any net additional 'dwelling equivalent' is recognised to have a likely detrimental impact on internationally and nationally protected ecology and wildlife sites unless mitigated, as set out in the Norfolk-wide Green Infrastructure and Recreational impacts Avoidance Strategy (GIRAMS).

- 10.107 To assess a development's likely impacts, an application should provide a Habitats Regulations Assessment, in this case to compare existing and proposed activity and determine the level of mitigation required, if any, to avoid an impact on the designated sites. As a basic level of mitigation, required for all residential developments, all 'dwelling equivalent' residential units should make a financial contribution of £210.84 per 'dwelling equivalent' (subject to annual inflation and indexation) to address the immediate impacts from recreation. The application

has not included any such assessment nor proposed any mitigation. Although the application's Design and Access Statement states "*there will be no net increase in permitted accommodation*", this application is considered a different quantum and character of use to what may be permitted to be undertaken at the moment, and should not be assumed to be without impact.

- 10.108 Without qualified evidence supplied to the contrary, the application fails to demonstrate and ensure there is no adverse impacts on designated sites and the international and national wildlife network. The application therefore fails to address the requirements of policies CS11, CS14, GSP5 and GSP8, and fails to ensure there is no adverse impacts on designated sites, meaning the LPA as competent authority cannot approve the application, in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017.

Flood Risk and Surface Water Drainage

- 10.109 As a residential site of more than 1ha area (excluding the access drive), the development should be accompanied by a flood risk assessment to consider, at the least, surface water flooding. No such flood risk assessment has been provided, so it is not possible to confirm the site is safe from the risk of flooding or that the proposal would avoid contributing to an increased risk of flooding elsewhere (albeit that may appear unlikely if there are no operational development proposed and the use is just occupation of touring caravans).
- 10.110 The Parish Council has identified a risk of flooding at or within the vicinity of the site. Whilst there are no formal records of surface water flooding within the application site, the land immediately to the north is identified to be at significant and extensive risk of surface water flooding, so there may be anecdotal reasons to investigate the safety of the site for future residential use.
- 10.111 The development is capable of providing over 10 'dwelling units' and/or 1000sqm of floorspace, and the NPPF requires such major developments to provide a sustainable drainage system unless there is clear evidence that this would be inappropriate.
- 10.112 In the absence of a site-specific flood risk assessment it is not possible to confirm that the development is safe from the risk of flooding or located in an appropriate sequential location, nor that the proposal would avoid contributing to an increased risk of flooding elsewhere. Furthermore, the absence of a proposed sustainable drainage system in the application means the development cannot address the increased rates of surface water flooding and cannot improve the resilience of the local environment to surface water inundation more generally. The development therefore fails to address policies CS13 and E1 and the requirements of the NPPF.

Foul Drainage

- 10.113 The application has not demonstrated that it is served by sewerage network connections and has not sought to confirm with utility providers that there is capacity within the sewer network to either contain, transport or treat the effluent from residential development on a permanent year-round occupancy. Whilst the site has a year-round holiday accommodation use, residential occupancy as a sole or primary residence will have a significantly greater sewage generation and treatment requirements than the optional and transitory nature of holiday use occupation.
- 10.114 The submitted application form is not clear in its intended disposal of foul sewage, stating that it both intends to dispose of waste to the mains sewer, but will not connect to existing

drainage systems. The site currently appears to rely on elsom-tank style waste disposal, presumably with connection into the local network. This would not necessarily be considered appropriate to continue, and the sewage treatment undertaker would not have anticipated residential development at this site, nor catered for development of the 80no. dwelling uses at the rest of the caravan site.

- 10.115 In the absence of a foul drainage strategy and confirmation of the local network capacity it is not possible to conclude that the development will provide adequate infrastructure for residents, nor that it will avoid causing sewage network flooding downstream of the site, nor that it will avoid a detrimental impact on local ecological networks if the sewage facilities are overwhelmed. The application is therefore contrary to policies CS11, E6 and I3.

Minimising climate change

- 10.116 The development's is required to minimising its impacts on climate change in two specific ways identified by policy:
- 10.117 Firstly, the development should include facilities to provide electric vehicle charging provision in line with policy I1, which states: *"Development should be designed to enable charging of plug-in and other ultra low-emission vehicles in safe, accessible and convenient locations."* No proposals for parking are included, and no electric vehicle charging outlets are proposed. Whilst a requirement could be secure by planning conditions on any approval, the development must first demonstrate he capabilities to do so, which has not been provided.
- 10.118 Secondly the application should not be considered favourably unless it first demonstrates that it meets the higher standard of water efficiency, which policy E7 states should be a maximum of 110 litres per person per day. No details have been provided to show how the application will ensure a higher water efficiency standard, so the application is contrary to policy E7.

11. Other Material Considerations

- 11.1 The submitted Design and Access Statement has described that the application has been submitted because:

"The Applicant wishes to regularise the site so that the uses are consistent from an operational point of view. The current use of the application site as holiday accommodation is inharmonious with the residential status of the front part of the site, particularly in regard to the peace and amenity enjoyed by residents who are aged 50 and above. Regularisation will bring the site into one harmonious use."

- 11.2 As the application is in conflict with the provisions of the development plan, it should be refused in the absence of sufficient material considerations to suggest otherwise. Those material considerations could include the delivery of additional public benefits, or it could include the trends established by relevant and recent planning history at the site and the expectation of there being a reasonable consistency of decision making on the part of the local planning authority.

Additional public benefits

- 11.13 There is no demonstration of wider public benefits available to justify the conflict with the development plan policy, other than the operational convenience of having a consistent use

across the caravan site holiday park. That in itself might improve the feasibility of the continued operation of the holiday park, but it is not considered a wider public benefit.

- 11.4 There are no operational works proposed in the application, so there are no jobs or wider economic investments to be gained from the construction or preparation of the use.
- 11.5 It is not clear if the development will require additional staff or workforce to be employed were the site to become a residential use, but it would not be unreasonable to assume that the need for staff would be reduced if holiday units are removed from the site and occupants become more self-reliant and independent of the holiday park facilities. This possible loss of jobs from the tourism industry would run counter to the ambitions to maintain and promote the economic base of the borough and its tourism sector, being contrary to the economic development objectives of policy CS6.
- 11.6 In terms of the social aspect of the development, the applicant has not presented evidence to suggest the site would fulfil a need in the housing market, though as discussed above there would be instances where residential use within touring park accommodation site could prove beneficial to some sectors of the community. However, the use is not likely to free-up existing residential dwellings from within the Borough so is unlikely to contribute to housing supply requirements, and would not be appropriate for consideration as meeting housing needs. There is very little weight attached to the benefit of allowing residential use at the application site.
- 11.7 In the absence of any notable public benefits, and against the awareness of possible economic consequences of the development which weight against the proposal, it must be considered whether the planning history at the site offers any material considerations to suggest the application should not be refused.

The site's planning history

- 11.8 The applicant has stated their position based on the previous history of the site, believing there to be precedent from the permissible uses on the adjoining land, rather than any consistency of decision making.
- 11.9 It is important to note that the holiday park land to the south of the application site benefits a permission issued under planning consent 06/11/0666/F (granted 5th January 2012) which was a permission granted under section 73 of the Town and Country Planning Act as a variation of conditions attached to earlier permissions 06/04/0332/F and 06/10/0564/F.
- 11.10 The later applications for Certificates of Proposed Use have only established the principle of uses being allowed pursuant to that 2012 permission.
- 11.11 Permission for touring caravans at the application site has been in place in various forms since 1985 when 30 touring caravans and toilet block were allowed on appeal (ref 85/0140/F). 30 tents and additional toilets were allowed in 1988 (87/0841/CU). Permission 06/93/0992/F allowed an additional 30 caravans along the railway cutting.
- 11.12 Storage of caravans began following temporary permission in 1990 (90/0260/F) and subsequent renewals 06/91/0634/F and 06/94/0634/F and 06/97/0715/F.
- 11.13 Permission 06/04/0332/F consolidated the foregoing and established that 30 informal tent pitches could be used on the land within the cutting and the site of this current application. It

also allowed up to 120 no. units of other various forms of holiday accommodation (80 touring caravans/motor homes and 40 tents) to be provided on the rest of the holiday park site (along with 25no. stored caravans).

- 11.14 Within that permission, Condition 2 required the land within the line of the railway site (part of the current application site) was allowed to be used (i) only for 30 tent pitches in accordance with a submitted layout plan, and (ii) only between 1st April/Easter and 30th September.
- 11.15 There were no restrictions on the rest of the site to require seasonal occupancy only, so from this point onwards the land to the south of the application site was able to be used for unrestricted touring caravan/motorhome use.
- 11.16 A permission was then granted in 2007 for additional land to the west of the current application site (outside the line of the former railway) to be used on a temporary basis for additional tent pitches, also on a seasonal basis (ref 06/07/0665/CU). The use was permitted only until 30th September 2010 and was required to be discontinued from that date.
- 11.17 Permission 06/10/0564/F was granted on 21st October 2010 for *“Use of land for tent pitches (approved under 06/07/0665/CU) on a permanent basis”*. This was the same land to the west of the current application site (outside the line of the former railway) which had been allowed to be used on a temporary basis for additional tent pitches between 2007 and October 2010. Permanent permission was granted, subject to Condition 2 which required:
- “The application site shall only be used for the siting of tents for holiday purposes and shall not be used outside the period from 31st March or Easter, whichever is earlier, to 30th September in any year use only.”* The reason for doing so was *“To ensure the tents are used for holiday occupation only and only during the summer season.”*
- 11.18 The 06/11/0666/F permission created a new stand-alone permission which upon implementation would supersede the former permissions 06/04/0332/F and 06/10/0564/F. It anticipated 145 ‘holiday units’ (indicated on the plans to be ‘touring units’) to be used on the land the subject of previous permissions 06/04/0332/F and 06/10/0564/F, which included this current application site.
- 11.19 As has been established by case law, being a variation of condition application considered under Section 73 of the Town and Country Planning Act, the resultant permission cannot be said to be beholden to the conditions imposed on previous permissions at the site. Furthermore, case law (and in particular the ‘I’m your man’ precedent) has confirmed that only the conditions of a permission can ‘shape’ the operation of a permission and permissions granted must not solely rely on the scope of the original permission(s) nor the description of proposed amendments.

Condition 1 of permission 06/11/0666/F states:

“The number of holiday units positioned on the site (tents, caravans, motor homes or camper vans) shall not exceed 145 on the land the subject of planning permission 06/04/0332/F and 06/10/0564/F.”

Condition 2 of permission ref 06/11/0666/F states:

“The siting of holiday units on the area of the site annotated 'restricted dates use' towards the north eastern end of the application site shall only be used in any year during the period between 1st April or Easter whichever is the earlier and 30th September.”

Condition 3 of the permission allowed only 25 touring caravans to be stored at the site and only in the area adjoining the holiday park office building at the southern end of the touring park, but is not relevant to the considerations of this application.

- 11.20 It is therefore considered that conditions had expected the land the subject of permission 06/11/0666/F to operate as 'holiday units'. However, in practice the nature of the use was not crystallised. Most relevant to this application under consideration, the most salient points of the 2012 permission are:
- The holiday units could number 145 total across the whole of the holiday park site, including the maximum of 25 touring caravans in storage at the site;
 - The permission no longer included a minimum number of tent pitches;
 - The permission no longer included a requirement for the land the subject of this current application to be subject to use only by tent pitches, as had been the case before;
 - The permission no longer required that any part of the site should be used for holiday accommodation or for holiday purposes only – whilst this may have been the intention, the permission did not expressly impose such restrictions on any part of the site; and,
 - The land the subject of this current application could only be used between 1st April/Easter and 30th September in any year.
- 11.21 The inference of the permission 06/11/0666/F was that only touring caravans, tents or other temporary forms of accommodation would be sited within the current application site, and they would be removed at the end of each permitted holiday season. The requirement for doing so was clear in seeking *"to protect the landscape identified as being important to the setting of settlements from inappropriate development that would impinge on the countryside which achieves physical separation between them."*
- 11.22 However, what has transpired is that the intention was not made reality in practice due to the absence of specific operative conditions to that effect within the permission.
- 11.23 There was no requirement to provide a site location plan with the 'variation of condition application' 06/11/0666/F but the decision covers the land within and adjacent the former railway line. Both areas continue to be proposed within the current application site location plan.
- 11.24 The next permission granted at the site (06/16/0539/F) addressed an application for variation of conditions in a similar manner, and created a new permission which consolidated various previous permissions and superseded those by creating a new permission which became operative upon commencement of immediate the use.
- 11.25 06/16/0539/F was proposed and granted for *"Removal of condition 2 re: PP:06/04/0332/F, 06/10/0564/F and 06/11/0666/F - to permit holiday touring units 12 months use."* – Approved 16 November 2016.
- 11.26 The application sought to amend the permissions granted for use of the land including the application site for the 145 'holiday units' most recently brought together and approved under permission 06/11/0666/F.

- 11.27 The application was considered by Development Control Committee on 16 November 2016. From the Report submitted to the Committee it can be seen that it was intended for the application to remove all remaining seasonal occupancy conditions and allow the whole of the touring park to be used all year round. The reason for doing so was stated as:

"It would be reasonable to have a consistent approach so that the whole site can be occupied during the same time period, the condition can be replaced with one that states that the site shall only be used for touring holiday units and that no part of the site shall be occupied by any individual or family group for a period of more than four weeks at any one time in order to retain control of the use."

- 11.28 When permission was granted for 06/16/0539/F it was subject to conditions as below:

"Condition 1: The site shall be used for holiday touring purposes only.

Reason: To ensure the site is not used as permanent residential accommodation.

Condition 2: The holiday touring units shall not be used by an individual or family group for more than a single period of more than four weeks at any one time.

Reason: To ensure the site is not used as permanent residential accommodation."

- 11.29 Subsequent to that decision, in April 2018, the LPA confirmed that the whole of the holiday park site could be used for "the siting of up to 145 holiday units (tents, caravans, motor homes or campervans)", but in so doing:

- the land the subject of this current application could only be used for such purpose between 1st April / Easter and 30th September in each year, for 'holiday units'; and,
- the remainder of the holiday park land to the south of the current application site could be used all year round, for 'holiday units'.

- 11.30 This was confirmed by virtue of the Certificate of Proposed Use issued on 30th April 2018 (ref 06/18/0092/PU) which confirmed such proposed operations would be allowed under permission 06/11/0666/F.

- 11.31 Six months later, in October 2018, the LPA confirmed that the whole of the holiday park site could be used "as a caravan park for the siting of up to 145 caravans as holiday accommodation", but in so doing:

- the land the subject of this current application could only be used for such purpose between 1st April / Easter and 30th September in each year; and,
- the remainder of the holiday park land to the south of the current application site could be used all year round.

- 11.32 This was confirmed by virtue of the Certificate of Proposed Use issued on 17th October 2018 (ref 06/18/0472/PU) which confirmed such proposed operations would be allowed under permission 06/11/0666/F.

- 11.33 It considered that the two Certificates of Proposed Use together confirm that the use of 'holiday units' at the site could comprise tents, caravans, motor homes or campervans, subject to the locational and timing restrictions set out, but should not be seen as an exclusive list of what represents a 'holiday unit' unless first having been restricted by permission 06/11/0666/F (which included no such restrictions by condition).

- 11.34 Subsequent to that, in June 2020, the LPA confirmed that the use which was proposed in June 2019 as ***“Use of the Land for siting of residential park homes for occupation as a person’s sole or main residence for people over the age of 50”***, would also be allowed under the terms of permission 06/11/0666/F. The plan associated with that Certificate of Proposed Use concerned only the area of the holiday park south of the current application site, and excludes the current application site.
- 11.35 This was confirmed by virtue of the Certificate of Proposed Use issued on 23rd June 2020 (ref. 06/19/0357/PU) which also confirmed such proposed operations would be allowed under the same 2012 permission 06/11/0666/F.
- 11.36 In making that assessment, the LPA appears to have agreed with the position presented by the applicant in their submitted ‘Opinion’ document dated 17 June 2019, provided within the documents submitted for application 06/19/0357/PU. The main points of the applicant’s argument in that document were that:
- there could be unrestricted use of the site within the land edged red for residential accommodation pursuant to the 2012 permission (06/11/0666/F) because the change of use from holiday accommodation to permanent residential accommodation had not been a material one.
 - In this respect the permission granted in 2012 (06/11/0666/F) was not confined to temporary / holiday use because it made no restriction on how the units should be occupied, i.e. whether on a temporary or permanent basis.
 - It was not necessary to consider whether permanent residential use of the caravans would constitute a material change of use by comparison to the former holiday use, since the permission (06/11/0666/F) authorised either type of accommodation.
 - If a material change of use were suggested to take place, there is no evidence to suggest that a change of use would require planning permission anyway from holiday to residential accommodation.
- 11.37 The applicant has indicated in the current application that they consider this decision to be determinative for the consideration of the whole of the site other than the current application site. However, the decision of June 2020 has confirmed only that:
- the use for year-round residential occupation applies would apply in respect of proposed residential occupation within a ‘residential park home’ as was requested; and,
 - the use of the site for year-round residential occupation would apply for persons aged 51 years of age or older; and,
 - the use proposed at the time which was confirmed as being acceptable applies only to the area of land within the holiday park as shown on the plan attached to that 2020 decision which is land to the south of the current application site, and does not affect the application site.
- 11.38 It is interesting to note that the 2019 ‘Opinion’ document acknowledges the approval of permission 06/16/0539/F (although omitting specific reference to the application number itself). As described above, that permission was proposed and granted for: *“Removal of condition 2 re: PP:06/04/0332/F, 06/10/0564/F and 06/11/0666/F - to permit holiday touring units 12 months use.”* Having been approved on 16 November 2016, this created a new permission which superseded all the former permissions, in the same way that the 2012 permission did so in respect.

- 11.39 In response to this permission, the 'Opinion' document has merely stated that the application has not been implemented. In referring to both permission 06/16/0539/F and (expired) permission 06/16/0535/O, both permitted on 16 November 2016, the 'Opinion' has simply stated: "17. Neither of the 2016 permissions has yet been implemented."
- 11.40 It is not clear how the 'Opinion' document can suggest or take confidence from an assumption that the permission 06/16/0539/F has not been implemented (or was not implemented by June 2019). The s73 process creates a new permission, subject to new permissions, and developers can choose to implement either over the other, or swap between permissions where it remains legally extant to do so, but it is not for the applicant to decide which permission they operate under at any one time, unless an application is made to the LPA to confirm the existing use of the site.
- 11.41 No application has been made to suggest that the site currently operates an existing use pursuant to permission 06/11/0666/F rather than the more recent 06/16/0539/F permission, and as such the LPA has not established a definitive position on the actual status of the site's use (either in 2020 or at the current time).
- 11.42 The decision issued under application 06/19/0357/PU has confirmed that no change of use occurred from holiday accommodation to residential accommodation, and that no conditions took effect over the nature of the 'holiday units' which was mentioned in earlier permissions. As such, the possibility of use of the site at that time for residential purposes existed on the technicality of being the most up-to-date permission in place, against which the site is assumed to operate.
- 11.43 By extension, the permitted use of the site pursuant to permission 06/16/0539/F must be equally relevant, having also not represented a change of use from residential (under 06/11/0666/F) to holiday accommodation, and being required to be subject to the conditions imposed thereon, including the requirement of condition 1 that: "*The site shall be used for holiday touring purposes only.*"
- 11.44 It is therefore considered that the application site (which is the whole of the touring caravan holiday park) can only have avoided being implemented if it has not ever been used for holiday touring purposes since the permission was issued in November 2016. The grant of the Certificate of Lawful Proposed Use in 2020 only confirmed that a particular form of occupancy would have been lawful under permission 06/11/0666/F, it did not change the planning status nor the planning unit which is subject to both permission 06/11/0666/F and 06/16/0539/F.
- 11.45 Given that the applicant's Design and Access Statement has reiterated that the site is currently used for holiday accommodation, including tent pitches, and only part of the site is used for residential purposes, and given that the officers' site visit during the application observed temporary touring caravan uses in the north-east sector of the site, and in the absence of any applications to confirm otherwise, it is considered that on the balance of probability, that permission 06/16/0539/F (which was not subject to time limits for commencement, being a variation of an existing use) was in fact implemented and that the site most likely includes uses pursuant to that permission.
- 11.46 It is important to note that none of the aforementioned Certificates of Lawful Proposed Use which were issued pursuant to Section 192 of the Town and Country Planning Act 1990 have made a definitive nor determinative position on what constitutes the lawful Existing Use of the site pursuant to Section 191 of the Town and Country Planning Act. Whilst the application

Design and Access Statement reports that *“The site is application is currently used as a Residential Park and Holiday Park”*, no application has been made to request the LPA’s confirmed view on the actual existing uses.

- 11.47 Nevertheless, the LPA has confirmed that Rose Farm holiday park does benefit from permission (06/11/0666/F) which allows the land to the south of the application site to be used for ***“siting of residential park homes for occupation as a person’s sole or main residence for people over the age of 50.”***
- 11.48 The application as presented has not proposed any occupancy restrictions and has not stated the types of activity which would take place on the application site. It should be assumed that the use sought is an unrestricted residential use unencumbered by age of occupant or seasonal use or occupancy restriction. It is not clear how the remainder of the site is used, so it is not possible to confirm whether any approval of this application would necessarily bring this site’s planning status into line with the existing planning status of the remainder of the holiday park as is purported by the applicant’s Design and Access Statement extract: *“regularisation is proposed by bringing the rear part of the site (the Application Area) into full year-round residential use to match the front part of the site which already has permission on this basis following the approval of Applications 06/18/0092/PU and 06/19/0357/PU.”*
- 11.49 On the basis that the use of the site the subject of this application is most likely subject to permission 06/16/0539/F, and the requirement thereof that the site is only used for holiday touring purposes for no more than 4 weeks at a time, it is clear that the application site is not subject to ambiguous planning conditions. It is also clear that the history of the holiday park as a whole has consistently sought to prevent the use of permanent development at the site, and that the uses should not include residential accommodation within the current application site (as evidenced by the reasons for the conditions on permission 06/15/0539/F concerning the need to avoid residential uses being established, and before that on 06/11/0666/F concerning the need to protect the landscape and strategic gap). The application presented would therefore not be consistent with a trend towards allowing further, if any, residential uses across the touring park site.
- 11.50 The complex planning history background is therefore not sufficiently definitive that it presents a material consideration which supports the application or which suggests it should not be refused.

Local Finance Considerations

- 11.51 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. Conclusion and Recommendation

- 12.1 For the reasons described above, the application presents many conflicts with adopted development plan and is contrary to policies concerning:
- the principle of development and development in the countryside;
 - the principle of residential development in inappropriate locations;
 - insufficient accessibility and connections with services, facilities and public transport links;
 - inadequate links to existing highways infrastructure networks;
 - inadequate facilities, infrastructure and standards of accommodation for future residents;
 - inadequate design and landscaping provision;
 - inadequate protection and integration of trees and hedges;
 - unacceptable impacts on landscape character and unacceptable development within the strategic gap between the settlements;
 - unacceptable impacts on ecology;
 - inadequate provisions for securing and providing the route of a strategic cycle and pedestrian route;
 - lack of affordable housing provision;
 - lack of provision for community infrastructure and planning obligations;
 - inadequate protection and mitigation for the effects on designated wildlife sites;
 - inadequate assessment and provision for flood risk and surface water drainage requirements;
 - inadequate assessment of the capacity of foul water drainage systems;
 - lack of suitable mitigation measures to minimise contributions to climate change; and,
 - detrimental impacts from a loss of tourism accommodation and associated jobs and investment in the tourism sector.
- 12.2 As such the proposed development is considered to not accord with policies CS1, CS2, CS4, CS5, CS6, CS9, CS11, CS13, CS14, CS16 of the Great Yarmouth Core Strategy (2015) and does not accord with policies GSP1, GSP3, GSP4, GSP5, GSP6, GSP7, GSP8, UCS4, H2, H4, H5, H8, H11, A2, E1, E4, E6, E7, I1 and I3 of the Local Plan Part 2 (2021), and fails to address various requirements of the NPPF and the Conservation of Habitats and Species Regulations 2017, and should therefore be refused.
- 12.3 There are not considered to be any material considerations of sufficient weight to justify or overcome the conflict with adopted policy, and as such the application should be determined in accordance with the adopted development plan.
- 12.4 The application should therefore be refused.

11. RECOMMENDATION

11.1 That the committee resolve to:

- a) Confirm that, had the power to determine the application have continued to rest with them, they would have **REFUSED** the application for the reasons set out below; and
- b) That powers be delegated to officers to amend or remove any of these reasons should it prove necessary to protect the Council's interests

Reasons for refusal

1) Housing supply and principle

The site is within the open countryside outside of Belton. It is outside the Development Limits and therefore subject to the provisions of policies CS1 and CS2 which limit residential development to conversions/replacement dwellings/buildings and schemes that help to meet rural needs. The proposed development does not fit any of the applicable categories of permissible development listed in policies CS2 or GSP1, CS4, CS5, H5, H8 or H11. It is therefore in conflict with the provisions of these policies which protect the countryside. The proposal is considered to represent an unsuitable form of residential accommodation in an inappropriate location, and offers little additional benefit for addressing the overall housing needs of the Borough. The application is therefore considered contrary to policies CS1, CS2 and GSP1, and fails to provide any justification for providing new residential development in the countryside pursuant to policies CS4, CS5, H5, H8 or H11.

2) Unsustainable and inaccessible location

Notwithstanding Belton's designation as a Primary Village, the application site is significantly detached from the shops and services within the village by a significant distance. It is also unacceptably far from the closest public transport connections to other higher-order settlements with greater services, health care and employment opportunities. In most instances, future residents will see no practical option other than to drive to the facilities in the village or to the workplace or health care facilities. The location of the site some way beyond the settlement boundary attracts significant weight against the scheme, as an unsustainable and inaccessible location unsuited to permanent residential use, contrary to policies CS1, CS2 and GSP1.

3) Lack of highways infrastructure connections

The application does not propose to provide any local highway network infrastructure improvements, nor has any evidence been provided to suggest that such measures would be unfeasible or unviable. Without this it cannot be determined precisely how detached and inaccessible the site is from existing pedestrian and cycle networks, and, aside from the distances involved, it must be assumed that the development cannot provide suitable safe and convenient accessible connections to sustainable modes of transport and local facilities. As such the development is contrary to policies CS1, CS9, CS14, CS16, GSP8, A2 and the expectations of the NPPF.

4) Residential facilities and suitability of accommodation

The proposal not only fails to demonstrate that it can provide adequate utilities, infrastructure and services for future residents, but it also fails to provide suitable standards of residential accommodation through the design of the site and/or its intended purpose, either from the outset or in terms of the future adaptability of accommodation. The development is therefore contrary to policies CS9, CS16, A2 and the emerging draft Design Code SPD, and contrary to paragraphs 135 d) and 135 f) of the NPPF, all of which set out requirements to provide a high standard of amenity for existing and future residential users and their impacts on neighbours. Where proposals fail to include suitable standards, both policy A2 and the NPPF paragraph 139 make clear that applications should be refused.

5) Site design and landscaping

The proposal under consideration fails to provide a suitable residential use or form of development, and fails to provide appropriate landscaping to the benefit of both the environment and future residents. The application has not demonstrated how the site's layout and use will make best use of existing natural features to create a lasting high quality residential environment, and is therefore contrary to policies CS9, A2, E4, and the expectations of the draft Borough-wide Design Code Supplementary Planning Document.

6) Trees and hedges

The application has not detailed any facilities or infrastructure proposals which would reasonably be expected to support the permanent use of the site, nor proposed any plot identifications or a site layout plan, and has not provided any tree management plans or protection measures. As such, it is not considered possible to ensure the continued protection or health of the trees and hedges at the site, nor address any immediate impacts on protected trees.

As such the proposal fails to ensure the integration and continued protection and enhancement of trees and natural assets, contrary to adopted policies CS11, GSP6 and E4, and has not demonstrated that the site design / layout / use will make best use of existing natural features and create a lasting high quality residential environment, contrary to policies CS9, A2, E4, and the expectations of the draft Borough-wide Design Code Supplementary Planning Document.

7) Landscape impacts and Strategic Gap

The application is considered detrimental to maintaining landscape character and the area's natural appearance. It is considered the application will reduce the sense of openness between the two settlements of Belton and Bradwell by introducing permanent residential-based development detached from existing settlements into an area which would be regarded as forming part of the protected Strategic Gap between settlements. In so doing the proposal will also increase the spread of light pollution into the countryside at the expense of the rural dark sky character. This causes an erosion of the landscape character and rural appearance of the area, and increases the sense of coalescence of the two settlements, contrary to adopted policies CS1, CS9, CS11, GSP3, A2(e), E4 and E6.

8) Ecology

No ecological impact assessment has been provided with the application, so the impacts on protected species in particular cannot be quantified under the new form of use. Furthermore, no biodiversity enhancement plans are proposed. In both respects this makes the application unacceptable because, similar to the need for including appropriate structural landscaping, residential developments must avoid unacceptable ecological harm from the development, and also provide biodiversity enhancements within the development. The application is therefore contrary to the requirements of policies CS9, CS11 and GSP4.

9) Impact on the defined Strategic Cycling and Pedestrian Route

The application has not included any proposals for addressing the requirement to provide the part of the Strategic Cycling and Pedestrian Route identified in policy GSP7 which is in the applicant's control. Neither has the application attempted to justify its non-provision, and it is not clear from the land ownership situation whether an alternative could be provided. As such the application has failed to address policy GSP7 by: overlooking the need to create a strategic cycling and pedestrian route within its control; proposing a use which will likely prevent the inclusion of a route within the development; making no provision to provide an alternative route; and including no proposed management measures to avoid sterilising all future possibilities of the route being provided in the future. The development is therefore contrary to policies GSP7 and GSP8, and fails to promote healthy lifestyles and improve wider accessibility by sustainable means, contrary to the NPPF.

10) Lack of affordable housing provision

The application has not included any proposed affordable housing on site, nor made alternative provision for addressing the identified housing need through off-site means such as a financial contribution in lieu of on-site provision. By interpretation of local plan policy the application should include at least 3no. suitable affordable housing units in accordance with policy CS4 / UCS4, or at least 11no. suitable affordable housing units in accordance with policy H2. The application has not offered any alternative mitigation nor justification for the lack of affordable housing contribution within the application. Providing residential accommodation for those in housing needs, by housing people within touring caravans or allowing the 'use' of the site for affordable housing would not address the affordable housing need by provision on-site, as required by policy in the first instance. In the alternative, the Council would expect the application to propose alternative mitigation such as offering an appropriate financial contribution 'in lieu'. No such mitigation is proposed, and neither has a case been presented to suggest that the development would be unviable once affordable housing provision is accounted for. Furthermore, no proposals have been presented to suggest that the development offers an acceptable alternative form of 'housing in need' to justify the lack of formal affordable housing provision within the development. As such, the development is contrary to policies CS4, UCS4 and H2.

11) Absence of planning obligations for local community infrastructure

The application has not proposed to address the requirements for providing any planning obligations, despite being of a scale of residential development that would ordinarily require its impacts to be addressed in respect of local library resources, local school capacity and resources, and green infrastructure and Public Rights Of Way network mitigation and

enhancements. Notwithstanding the absence of consultation with the relevant service provider consultees during the assessment of the application, the application as submitted has not made any allowance for addressing planning obligation requirements, so is contrary to policies CS14 and GSP8.

12) Impacts on designated wildlife sites

The application has not included a Habitats Regulations Assessment, nor any evidence of the level of impact on designated wildlife sites, nor has it proposed any mitigation for the impacts that would arise from the development. The application therefore fails to ensure there is no adverse impacts on designated sites and the international and national wildlife network. The application therefore fails to address the requirements of policies CS11, CS14, GSP5 and GSP8, and fails to ensure there is no adverse impacts on designated sites, meaning the LPA as competent authority cannot approve the application, in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017.

13) Flood risk and surface water drainage

In the absence of a site-specific flood risk assessment it is not possible to confirm that the development is safe from the risk of flooding or located in an appropriate sequential location, nor that the proposal would avoid contributing to an increased risk of flooding elsewhere. Furthermore, the absence of a proposed sustainable drainage system in the application means the development cannot address the increased rates of surface water flooding and cannot improve the resilience of the local environment to surface water inundation more generally. The development therefore fails to address policies CS13 and E1 and the requirements of the NPPF.

14) Foul water drainage

In the absence of a foul drainage strategy and confirmation of the local network capacity it is not possible to conclude that the development will provide adequate infrastructure for residents, nor that it will avoid causing sewage network flooding downstream of the site, nor that it will avoid a detrimental impact on local ecological networks if the sewage facilities are overwhelmed. The application is therefore contrary to policies CS11, E6 and I3.

15) Minimising climate change

In the absence of any proposed use of electric vehicle charging facilities or promotion of electric vehicle charging, and in the absence of any details to show how the application will ensure a higher water efficiency standard, the application fails to minimise its impact on climate change and is therefore contrary to policies I1 and E7.

16) Impact on jobs and the tourism economy

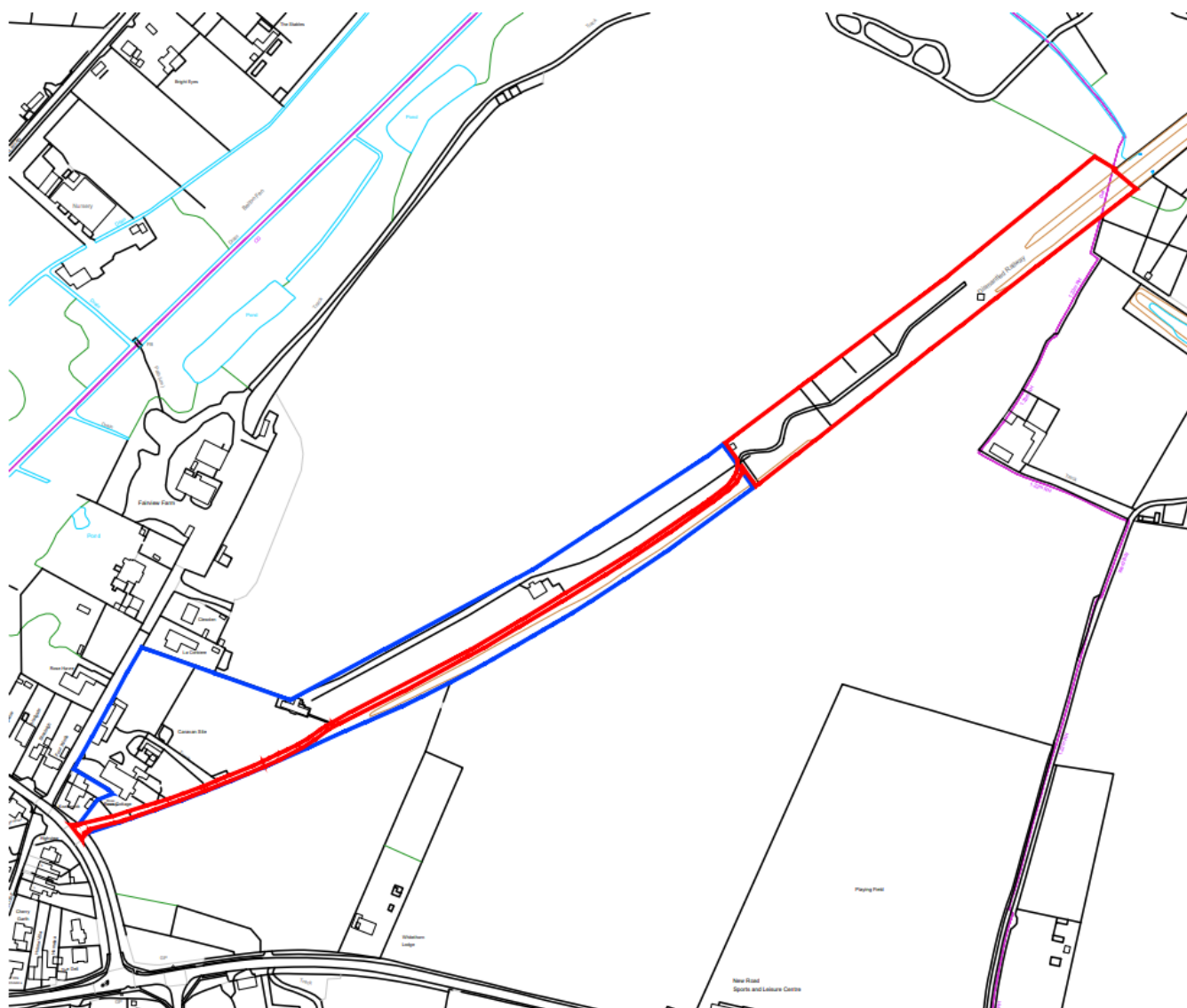
It is not clear if the development will require additional staff or workforce to be employed were the site to become a residential use, but it would not be unreasonable to assume that the need for holiday park staff would be reduced if holiday units are removed from the site and occupants become more self-reliant and independent of the holiday park facilities. It is also considered that the loss of tourism accommodation from the Borough, and the associated loss of tourism spend, increased investment and loss of jobs in servicing the accommodation, would be detrimental to local employment opportunities and the Borough's tourism economy

as a whole. Any loss of jobs from the tourism industry and the detrimental impacts on tourism investment would run counter to the ambitions to maintain and promote the economic base of the borough and its tourism sector, being contrary to the objectives of policy CS6.

17) No material considerations in favour of the development

The application has not presented any demonstrable material considerations, either by way of the benefits of the development or through the complicated web of background planning history, to suggest that the application should be considered favourably despite the extensive range of conflicts with the development plan. The application should therefore be assessed primarily against the provisions of the adopted local development plan as expected by the NPPF and as required in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, and should therefore be refused.

APPENDIX 1: Site Location Plan



Development Management Committee Report

Committee Date: 24 January 2024



Application Number	06/23/0678/VCF - Click here to see the application webpage
Site Location	Former Pontins Holiday Centre, Beach Road, Hemsby
Site Location Plan	See Appendix 1
Proposal	Variation of Condition 6 of pp 06/20/0422/F (Development of 188no. dwellings and 88no. holiday lodges, new shop, leisure centre and cafe with associated highways works) - Amendment to approved plans to install solar panels and clarify position and design of porches on approved Accommodation Blocks B, Q1, Q2, R and T.
Applicant	Lodge Park Ltd
Case Officer	Myles Joyce
Parish & Ward	Ormesby St Michael Ward
Date Valid	31 st October 2023
Expiry / EOT date	31 st January 2024
Reason at committee	Constitution: The application is a major development of over 1ha and more than 25 dwellings.

SUMMARY OF RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

P1. Preliminary matter

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

1. The Site/Background

- 1.1 Application 06/20/0422/F was considered by the Development Control Committee on 17th February 2021 who resolved to grant planning permission subject to a s106 agreement. The decision notice was issued on 21st July 2021 for the mixed use scheme comprised of 188 no. dwellings and 91 no. holiday lodges to let following partial demolitions, new shop, leisure centre with a gym and spa, cafe and communal areas with associated highways works.
- 1.2 This proposal seeks to vary the permission through amending Condition 6 of the permission by amending the approved plans to install solar panels and clarify the position and design of porches on approved Accommodation Blocks B, Q1, Q2, R and T.

- 1.3 This site is 8.85 hectares (21.87 acres), the former Pontins Holiday Centre, Hemsby located between Beach Road, Back Market Lane, Newport Road and Kingsway. It is joined to the east, north and south by housing and to the west by the Florida Holiday Park and the Bermuda Holiday Park. The site is located inside of the village development limits for Hemsby.
- 1.4 The holiday centre closed in 2009 and has since remained vacant. Many of the former holiday chalets and other buildings and structures remain on site following the permission granted under 06/20/0422/F any many remain in a mid-construction phase, following a period of being in a derelict condition and previous incidents of vandalism and arson.
- 1.5 Officers consider that this proposal would amend Condition 6 without changing the description of the original permission's proposal and as such the proposal would be within the scope of a 'minor material amendment' which can be made under S73 of the Town and Country Planning Act 1990.
- 1.6 The parent planning permission was subject to a Section 106 Agreement planning obligation which includes a clause (ref 6.10) which states that if the original permission is subject to a S73 application for the removal and/or amendment of a condition of that planning permission then the obligations in that original deed will also apply to any new planning permission if so agreed by the Council. Officers consider that this application to amend the approved plans in a limited way would fall within these parameters and the existing S106 would not need to be modified and would still apply to the development as amended.

2. The Proposal

- 2.1 The proposal is for the Variation of Condition 6 of 06/20/0422/F for the amendment to approved plans to install solar panels and clarify the position and design of porches on approved Accommodation Blocks B, Q1, Q2, R and T and 8 of planning permission.
- 2.2 The revised drawings submitted with this application indicate the locations for installation of PV panels on roofs of all referenced blocks and correct location of porches with regard to Block Q1 and clarification of porch walls and cladding consistent with the overall scheme in relation to block Q2 and Block R.

3. Site constraints

- 3.1 The site lies within the development limits of Hemsby and within an affordable housing sub-market area as well as the designated site for land at the former Pontins Holiday Centre (HY1).
- 3.2 Policy HY1 provides that this land at the former Pontins Holiday Camp, Hemsby (of around 8.9 hectares) as identified on the Policies Map, is allocated for approximately 190 dwellings together with tourism and retail facilities.
- 3.3 It also is located within the adopted Hemsby Neighbourhood Plan Area. It adjoins but is not part of a defined Holiday Accommodation Area under policy L1. Policy L1: encourages year-round, sustainable tourism; and supports proposals which upgrade or enhance existing or replacement visitor accommodation and ancillary tourist facilities as well as resist the loss of tourism uses to non-tourism uses.

4. Relevant Planning History

- 4.1 There have been numerous planning applications over the past years on the site related to its holiday use.
- 4.2 **06/20/0422:** Proposed application for mixed use scheme comprised of 188 no. dwellings and 91 no. holiday lodges to let following partial demolitions, new shop, leisure centre with a gym and spa, cafe and communal areas with associated highways works. Granted 6th July 2021.
- 4.3 **06/22/0716/CD** Discharge of condition 20 (of permission 06/20/0422/F). Part A Discharged 17th October 2022
- 4.4 **06/21/0729/CD:** Discharge of condition 9,13,14,16,18,19,21,25 of 06/20/0422/F. Part Discharged (all apart from condition 16) on 21st July 2022
- 4.5 **06/21/0951/F:** Removal of condition 4 of 06/20/0422/F. Refused 2nd February 2022. The reason given was that for the LPA to retain control of the development and allow for maintenance, it is nonetheless considered necessary to retain a period of vacancy in occupation and retain control over the use of the units as a means to provide holiday accommodation. It is considered that removing Condition 4 would allow year-round occupation of the chalets and lodges or caravans, and undermine the expectation that these units should be used for the purposes of holiday accommodation only, notwithstanding other limiting conditions 3 and 5 attached of the same planning permission
- 4.6 **06/23/0815/CD:** Discharge of conditions 16 and 20c (of permission 06/20/0422/F). Discharged 16th May 2023
- 4.7 **06/21/0904/CD:** Discharge of conditions 6, 7, 12 (of permission 06/20/0422/F). Conditions 7 and 12 discharged and 6 undischarged 21st July 2022.

5. Consultations

- 5.1 When the intention of the application and the description of the development was clarified it required additional public consultation by site notice and in the press. The resulting consultation period is due to end on the **24 January 2024**. Any responses received between completion of this report and the Committee meeting will be included in an Addendum Report circulated before the meeting and reported verbally to the Committee meeting.
- 5.2 County Highway Authority
No comments.
- 5.2.1 As there are no alterations to the consented highway layout, nor the proposed site layout, the Highway Authority has no comments.
- 5.3 Environmental Health Officer
No objections to the proposal
- 5.4 Strategic Planning Officer
No comments.

6. Publicity & Representations

6.1 Consultations undertaken: Site notices and Press Advert – Overall expiry date 24th January 2024.

6.2 Ward Members – Cllr Gale and Cllr Bensley

6.2.1 No representations received.

6.3 Public Representations

6.3.1 No public comments received.

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

Policy CS1: Focusing on a sustainable future

Policy CS2: Achieving sustainable growth

Policy CS9: Encouraging well-designed, distinctive places

The Great Yarmouth Local Plan Part 2 (adopted 2021)

Policy GSP1: Development Limits

Policy A1: Amenity

Policy HY1: Land at Former Pontins Holiday Camp, Hemsby

8. Other Material Planning Considerations

National Planning Policy Framework (Dec 2023)

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

Emerging policy

The emerging Borough-wide Design Code Supplementary Planning Document (draft version July – October 2023).

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.*

Main Issues

9.4 The main planning issues for consideration include:

- Principle of development;
- Character and appearance;
- Impact upon amenity; and
- Other matters

10. Assessment

Principle of Development

- 10.1 The principle of the development was established through the grant of planning permission under reference 06/20/0422/F, which Members resolved to approve at the Development Control Committee on 17th February 2021 and was granted by Decision Notice subject to a S106 agreement on 21st July 2021.
- 10.2 The variation of Condition 6, the approved plans, is proposed to install solar panels and clarify the position and design of porches on approved Accommodation Blocks B, Q1, Q2, R & T.
- 10.3 This application is made under Section 73 of the Town and Country Planning Act 1990 (as amended), which allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission providing that the development would not require planning permission in its own right and there is no conflict with, for example, pre-commencement conditions where development has commenced. The Local Planning Authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue.
- 10.4 In deciding an application under Section 73 of the Town and Country Planning Act 1990, the Local Planning Authority may only consider the question of the conditions subject to which planning permission should be granted. A complete re-consideration of the proposal cannot be undertaken. As a result, only the conditions applied for can be considered, providing that they do not alter the overall development as applied for (as detailed in the original description of development).
- 10.5 On balance, it is considered the amended form of development is still consistent with the general terms and operation of the original permission and the proposed amendments applied for comply with the general aims of relevant policies CS2, CS9, HY1 and A1.

Impact on Character and Appearance

- 10.6 The proposed variation locates solar panels on the front and rear roofslopes of all of the blocks and amends the porches to reflect the cladding position and depth.
- 10.6 Policy CS9 supports proposals of high standard of quality. Officers consider that the proposal is a 'minor material amendment' which has a limited impact on the character and

appearance of the area and maintains the high quality of design approved under 06/20/0422/F. Accordingly officers consider that the proposal accords with Policy CS9.

Impact upon Amenity

- 10.7 Policy A1 of the Great Yarmouth Local Plan Part 2 (2021) supports proposals where they protect or promote a high standard of amenity to ensure suitable living environment in the locality, and planning permission will only be granted where the development would not lead to an excessive or unacceptable impact on the amenities of the occupiers of existing and anticipated development in the locality in terms of the outlined criteria, including noise.
- 10.8 The proposed minor material amendments are confined to the installation of solar panels and the amendments to the porches essentially in term of materials employed to be consistent with the rest of the development. Officers consider that there is not a material impact, much less a materially adverse impact, on the amenity standards that will be enjoyed by future residents and as such the scheme accords with Policy A1.

Other Matters

- 10.9 Whilst some conditions have been discharged or part discharged others remain live. Any decision notice will reflect these changes in the decision notice should planning permission be granted.

Condition on 06/20/0422/F	Original Requirement	Post Modification	Proposed Condition
1	3 years commence works	Commence 7 th July 2024	1
2	Removal of PD rights	Retained	5
3	Limits to holiday use	Retained	6
4	Limits to holiday use	Retained	7
5	Limits to holiday use	Retained	8
6	Accordance with Plans	Retained with revised plan numbers	2
7	Street Maintenance and Management submitted for approval and implemented prior to occupation.	Implemented approved details prior to occupation (discharged condition)	20
8	Vehicle access and egress limited to submitted plans reinstate footways etc in accordance with a details scheme to be submitted with bringing into use new access	Implemented with approved details only	3
9	A. Details for off site highway improvements	9a Discharged (b retained 9B retained.	9

	submitted to LPA for approval. B. Implement approved works prior to occupation		
10	Provide visibility splays pre-occupation and maintain thereafter	Retained	10
11	Provide to occupation provide access layout on site and retain thereafter	Retained	11
12	Cycle parking scheme details to be approved and implemented prior to occupation	Details approved. Implement as approved prior to occupation	12
13	Parking for construction workers provided on site for duration and save for refurbishment provide details for approval prior to commencement	Details approved to be provided throughout construction period	13
14	Provide Construction Management Plan for approval pre-commencement	Discharged	
15	Implement CMT and maintain for construction period	Maintained	4
16	Submit Interim Travel Plan on commencement of development for approval	Discharged	
17	Implementation of Interim Travel Plan pre-occupation part A Full Travel plan submitted for approval within 1 year of occupation.	Retained	21
18	Details of bird and bat boxes submitted for approval erect and maintain prior to occupation.	Details approved. Implementation pre-occupation retained	14
19	Details of Surface Water Drainage submitted for approval. Approved scheme implemented	Details discharged. Implementation of approval details retained.	15

	prior to first occupation		
20	Pre-occupation Archaeological scheme of investigation submitted for approval. Assessment completed prior to occupation.	All details approved and condition fully discharged.	
21	Prior to commencement for development Phase 2 site investigation into contaminated land carried out. All remediation works agreed carried out prior to occupation.	All details approved and condition fully discharged. Implement remedial works prior to occupation.	16
22	Requirement to cease works if contamination found during construction.	Retained	19
23	Fire Hydrant provision during construction	Retained	17
24	Hours of construction work	Retained	9
25	Prior to commencement of each phase of development details of boundary treatment submitted to LPA for approval and implemented as per approved plans prior to occupation.	Details approved. Implementation of approved details before occupation retained.	18

- 10.10 The attached Section 106 agreement in relation to the parent planning permission Ref 06/20/0422/F contains a clause allowing changes under S.73 of the Act to proceed without the need to amend the said s106 Agreement. As such this application requires no changes to the s106 agreement.

Local Finance Considerations

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

example. There do not appear to be any planning-related local finance considerations linked to this development.

11. The Planning Balance

- 11.1 The proposal seeks amendments related to the above specified blocks and limited to PV panels located on the roof slopes of the blocks and materials employed for the porches.
- 11.2 Officers consider the impact to be non-material in social and economic terms and neutral to slightly positive in environmental terms (eg design and appearance and increased renewable energy generation). As such the scheme represents sustainable development for the purposes of the three strands set out in the NPPF; social, environmental and economic and as such, in the absence of any objections, recommend that planning permission should be granted subject to the conditions (as amended) attached to the parent planning permission under 06/20/0422/F.

12. Conclusion and Recommendation

- 12.1 As set out above, the proposal is considered to be acceptable and it is recommended for approval.

13. RECOMMENDATION

- 13.1 **It is recommended that the application be Approved, subject to the following conditions.**

Proposed Conditions

Time limit

1. The development must be begun not later 6th July 2024.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure commencement begins within the same timescales as required by the original parent planning permission 06/20/0422/F.

Development to accord with approved plans and details

2. The development shall be carried out in accordance with the following documents and drawing numbers listed below except as modified by:

a) Conditions 7, 8 & 9 below; and,

b) External louvres shall be fitted to the first floor west facing windows on Block E to ensure the privacy of the occupants of the adjoining dwellings, details of the louvres shall be submitted to and agreed in writing by the local planning authority prior to the first occupation of Block E;

Received on 30th October 2023:

8164 P.39 Rev(C) Proposed Plans and Elevations Block T

8164 P.37 Rev (C) Proposed Plans and Elevations Block R

8164 P.36 Rev (C) Proposed Plans and Elevations Block Q2

8164 P. 35 Rev (C) Proposed Plans and Elevations Block Q1

8164 P. 13 (Rev C) Proposed Plans and Elevations Block B
Design State Energy Statement
Solar panel Specification GSE in roof Guide 2023
Solar Panel Specification Phone 420W Draco

AND:

Aboricultural Impacts Assessment by BH Trees and Woodland dated 18 December 2020

8164 P.03E Proposed Masterplan,
8164 P.04C Proposed Masterplan Development Areas
8164 P.05D Proposed Masterplan Accomodation Plan
8164 P.06A Proposed Convenience Store
8164 P.07 Proposed Retail Store
8164 P.08 Proposed Leisure Complex Plans_Elevations
8164 P.10 Proposed Welcome Centre Plans_Elevations
8164 P.11F Proposed Block A1
8164 P.12A Proposed Block A2
8164 P.14A Proposed Block C1
8164 P.15A Proposed Block C2
8164 P.16A Proposed Block C3
8164 P.17A Proposed Block C4
8164 P.18A Proposed Block D1
8164 P.19A Proposed Block D2
8164 P.20A Proposed Block E1
8164 P.21A Proposed Block E2
8164 P.22A Proposed Block F
8164 P.23A Proposed Block G1
8164 P.24A Proposed Block G2
8164 P.25A Proposed Block H
8164 P.26A Proposed Block J
8164 P.27A Proposed Block K
8164 P.28A Proposed Block L
8164 P.29A Proposed Block M1
8164 P.30A Proposed Block M2
8164 P.31A Proposed Block N
8164 P.32A Proposed Block O
8164 P.33A Proposed Block P1
8164 P.34A Proposed Block P2
8164 P.40A Proposed Block U
8164 P.47 Proposed Highway Masterplan 1 of 2
8164 P.48 Proposed Highway Masterplan 2 of 2
2042-03/101A - Main Site Access, Kings Way
2042-03/102A - Beach Road Site Access
2042-03/103A - Local Store Access with new crossing (Barleycroft)

Reason: For the avoidance of doubt.

Access and Parking

3. Vehicular/pedestrian/cyclist access to and egress from the adjoining highway shall be limited to the accesses shown on the Masterplan, Drawing Nos. 8164 P.47 and 8164 P.48 only, provided access layouts are revised so they accommodate safe pedestrian movements and are perpendicular to Kingsway for a distance of 15 metres. Any other access or egress shall be permanently closed, and the footway/highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority concurrently with the bringing into use of the new access.

Reason: In the interests of highway safety.

Development to accord with approved Construction Management Plan

4. During the construction phase the works shall be carried out in accordance with the approved Construction Traffic Management Plan and Access Route

Reason: In the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

Removal of PD Rights

5. On completion of each dwellinghouse hereby permitted notwithstanding The Town and Country Planning (General Permitted Development) (England) Order 2015 no further development shall take place under Schedule 2 Part 1, Class A - enlargement, improvement or other alteration of a dwellinghouse unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the amenity of occupiers. Many of the rear gardens of the dwellinghouses hereby permitted are less than 50sqm. Without due consideration enlargement of the dwellinghouse may have a detrimental impact on residential amenity.

Limits to use

6. The caravan/holiday units shall be used to provide holiday accommodation only and they shall not be used as permanent unrestricted accommodation or as a primary place of residence.

Reason: To enable the Local Planning Authority to retain control over the use of the caravans for holiday accommodation.

7. The owners/operators of the holiday park shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the use of the caravans for holiday accommodation in an area where permanent residential accommodation would not normally be permitted.

8. The caravan/holiday units shall be not be occupied from 14th January to the 1 February in each year.

Reason: To enable maintenance/renovations of the units and for the Local Planning Authority to retain control over the use of the units for holiday accommodation.

Limits to Hours of Construction

9. Construction works shall not take place outside of the following hours:

07:30 to 18:00 Monday to Friday

08:30 to 13:30 Saturday

And no work shall take place on Sundays and Public Holidays

Reason: In the interests of residential amenity of the occupiers of nearby dwellings

Off-site Highway Improvements

10. Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to and approved shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed.

Highways Visibility Splays

11. Prior to the first occupation/use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on drawing numbers 2042 03/101 A, 2042, 03/102 A and 2042 03/103 A. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with the principles of the NPPF.

Highways Internal Works

12. Prior to the first occupation/use of each part of the development hereby permitted the proposed access / on-site car and cycle parking / servicing / loading / unloading / turning / waiting areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

13. Prior to first occupation/use of the development hereby permitted a scheme for the parking of cycles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.

Biodiversity Enhancement

14. The approved details for bird boxes, swift boxes and bat boxes shall be erected in accordance with the details approved prior to occupation of the development and shall remain in perpetuity. All boundary fencing to be erected on site shall have 20cm x20cm gaps, unless otherwise agreed with the Local Planning Authority, at each boundary point to allow the free movement of hedgehogs through the site.

Reason: To provide ecological enhancements on site in accordance with paragraph 176 of the NPPF and the documents submitted in support of the application.

Drainage

15. The detailed designs of a surface water drainage scheme shall be implemented prior to the first occupation of the development.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 169, 171 and 176 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Contamination remediation works

16. Prior to the occupation of any buildings on site the agreed remediation works agreed within the scheme have been carried out to the satisfaction of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Provision of Fire Hydrants

17. One fire hydrant per 50 dwellings rounded up to the nearest 50th dwelling served by the mains supply (min 90mm main) shall be provided in the residential development during the course of construction to the written satisfaction of the Local Planning Authority in consultation with Norfolk Fire Service. The developer will incur the full cost of the hydrant/s and its installation by the Water company.

Reason: In the interest of public safety.

Boundary Treatments

18. The approved boundary treatments shall be erected in accordance with the details approved prior to the occupation of the dwelling, holiday chalet or holiday lodge to which they relate.

Reason: To ensure that adequate boundary treatments are provided.

Contaminated Land

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Streets within development

20. The approved details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be implemented and thereafter be maintained in accordance with the approved management and maintenance details until such time as a Private Management and Maintenance Company has been established.

Reason: To ensure estate roads are managed and maintained to a suitable standard

Travel Plan

21. No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan. During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan referred to in Part A of this condition shall be submitted to and approved in writing by the Local Planning Authority. The approved Full 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 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.

Informative Notes

- 1 Informative Note: Reason for Approval

The proposal complies with the aims of Policies CS2 CS9-CS16 of the Great Yarmouth Local Plan: Core Strategy and Policies A1 and HY1 of the adopted Part 2 Local Plan

- 2 Informative Note: Statement of Positive Engagement

In dealing with this application Great Yarmouth Borough Council has actively sought to work with the applicant in a positive and proactive manner. It is confirmed that this shadow HRA submitted by the applicant has been assessed as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.

3 Informative Note: Conditions Discharge

Continued resolution of the required conditions discharge is strongly encouraged in particular with regard to details of highways access and surface water detention.

4 Informative Note – Decision Notice wording

NOTE - Please be advised that the version of the Decision Notice for permission 06/20/0422/F which was re-issued on 14 February 2022 is the definitive version and was issued solely for the purposes of removing a discrepancy in the description of proposed development.

The initial submission of application 06/20/0422/F proposed 91 no. units of holiday accommodation, but the revised proposals reduced the scheme to 88 no. units of holiday accommodation which was not hitherto reflected in the originally-issued decision notice.

For the avoidance of doubt, 88 units are shown on the approved revised Masterplan P.03 Rev E and conditions within the permission require the development to be undertaken in accordance with the same masterplan; as such only 88 are allowed within the permission.

This amendment was undertaken following agreement with the agent representing the site landowner on 26 January 2022.

The image is a detailed site plan of a large residential or institutional complex, outlined in red. The plan shows numerous buildings, courtyards, and green spaces. A specific area is highlighted with a blue dashed line and labeled "THE SITE" in red text. The plan is overlaid with a grid and includes various labels such as "THE CLOSE", "BLACK HOLE", and "THE GARDEN".

Development Management Committee Report

Committee Date: 24 January 2024



Application Number	06/23/0837/F - Click here to see the application webpage
Site Location	Site adjacent the ladies' Public Convenience, The Jetty, Marine Parade, Great Yarmouth, NR30 3AH
Proposal	Proposed erection of beach wheelchair store
Applicant	Great Yarmouth Borough Council
Case officer	Rob Tate
Parish & Ward	Great Yarmouth – Nelson Court
Date Valid	17-11-23
Expiry / EoT Date	31-01-24
Reason at committee	Connected application – the Council is both applicant and landowner
Procedural note	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 on 12/01/2024 to afford the Monitoring Officer an opportunity to check the file and ensure they are 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. Any discrepancies will be raised by the Monitoring Officer prior to the meeting.

SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PLANNING PERMISSION SUBJECT TO CONFIRMATION OF MATERIALS AND CONDITIONS

1. The Site

- 1.2 The application site forms a small portion of land immediately south of the ladies' public toilets on the eastern edge of South Beach Gardens. The site is currently a grassed area located between two existing single storey buildings and to the south of The Jetty. The promenade running alongside the edge of the beach is immediately east of the site and there are several ramped access points to the beach in the vicinity.
- 1.3 South Beach Gardens comprises a mixture of hard standing, pavements and grassed areas forming public amenity land. The site is within the heart of the Great Yarmouth Sea Front Area; neighbouring uses / buildings include the Sea Life Centre and Winter Gardens to the

south, the remainder of South Beach Garden to the south (which is also the site of the 'Ferris Wheel' tourist attraction' and 'sling shot' tourist ride) and The Jetty and Marina Centre further to the north. Buildings to the west include the various hotels, restaurants and kiosks of the seafront.

2. The Proposal

- 2.1 The application seeks planning permission for the erection of a beach wheelchair store. The proposed building has a 1.97m by 1.70m footprint with a single pitched roof with a maximum height of 1.70m.
- 2.2 In terms of materials, the building would be of buff brick construction, with a profiled sheeting roof and galvanised steel door.
- 2.3 The proposed building would provide shelter/storage for a beach wheelchair.

3. Site Constraints

- 3.1 The site is within the Development Limits defined by GSP1.
- 3.2 The site is within the Great Yarmouth Sea Front Area defined by GY6.
- 3.3 The site is within the Sea Front Conservation Area.
- 3.4 The site is within Flood Zone 3.
- 3.5 The site is within 30 metres of the Coastal Change Management Area defined by GSP4.

4. Relevant Planning History

- 4.1 There is no relevant planning history at the site.

5. Consultation responses

5.1 Environmental Services

No objection

5.2 Conservation Officer

No objection

- 5.2.1 The Conservation Officer raised no objection to the proposal but did request more detail in terms of materials, and confirmed that they did not have concerns with the use of buff brick.

6. Publicity & Representations

- 6.1 Consultations undertaken:
 - Site notices and Press advert.
 - Consultation between 24/11/23 and 15/12/23.
 - Reasons for consultation: Development within a Conservation Area.

6.2 Ward Member – Cllr Robinson-Payne, Cllr Jeal and Cllr T Wright

6.2.1 No representations have been received.

6.3 Public Representations

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

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS1: Focusing on a sustainable future
- Policy CS8: Promoting tourism, leisure and culture.
- Policy CS9: Encouraging well-designed, distinctive places.
- Policy CS10: Safeguarding local heritage assets.
- Policy CS13: Protecting areas at risk of flooding and coastal change.
- Policy CS15: Providing and protecting community assets and green infrastructure.

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development Limits.
- Policy GSP4: New development in Coastal Change Management Areas.
- Policy GY6: Great Yarmouth Seafront Area.
- Policy A1: Amenity.
- Policy E3: Protection of open spaces
- Policy E5: Historic environment and heritage

8. Other Material Planning Considerations

National Planning Policy Framework (Dec 2023)

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

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.

9.1.1 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.*

Main Issues

The main planning issues for consideration include:

- Principle of development
- Design
- Impact on Historic Environment
- Amenity
- Flood Risk
- Coastal Change

10. Assessment:

Principle of Development

- 10.1 Policy CS8 of the adopted Core Strategy states the potential of the holiday industry should be maximised, and new attractions of a good quality should be supported if they are of good design and with good access and connections to its surroundings.
- 10.2 Policy GY6 specifically encourages year-round, sustainable tourism and new investment in major new tourism, leisure and entertainment facilities.
- 10.3 Policy GY6 does recognise the need to conserve the seafront's heritage assets and so securing a high-quality design of facility is essential as part of this, as is the need to maintain and improve the public realm and the area's open spaces such as South Beach Gardens.
- 10.4 The proposal would facilitate access to the beach for those with mobility problems, opening-up one of the Borough's best tourist assets for a wider range of people, through allowing the beach wheelchair to be stored in a secure location when not in use. The proposed building is central to the beach, located at the mid-point of the Golden Mile and is close by to parking at The Jetty.
- 10.5 South Beach Gardens is an area of public amenity space. Policy E3 seeks to resist the loss of open spaces which contribute to public amenity. The application site is an undeveloped and unused space between two existing buildings. The space provides very little visual amenity benefit and no recreational value. Policy E3 does allow for proposals which result in a loss of local amenity space in limited and specific circumstances, including where the proposal is ancillary to the space and will add to the value and function of the local open space to the benefit of amenity or the local community. The proposal is for a storage building for the beach wheelchair (a specially designed wheelchairs with large pneumatic wheels), and therefore will provide a public benefit and community function. Therefore, the application complies with policy E3 (a) and Core Strategy Policy CS15.
- 10.6 As such, the principle of development should be considered acceptable subject to compliance with the rest of the development plan and mitigations as appropriate. One such necessary mitigation is that the building is not to be used for other uses, because it provides a public benefit and contributes to the tourism attraction of the Sea Front, and other uses are not appropriate as they have not been justified given the proposed building is located within Flood

Zone 3 and evidence has not been provided to demonstrate that other uses would be acceptable.

Design

- 10.7 Core Policy CS1 expects that new development is of a scale and in a location that complements the character of the surrounding area. Core Policy CS9 expands on this approach and expects that development responds to, and draws inspiration from the surrounding area's distinctive natural, built and historic characteristics, such as scale, form, massing and materials, to ensure that the full potential of the development site is realised; making efficient use of land and reinforcing the local identity.
- 10.8 The east of Marine Parade/South Beach Parade contains a mixture of buildings, including the Grade II* Listed Winter Gardens, recently completed Marina Centre and diverse mixture of tourist uses which vary in character and design. In the immediate vicinity of the application site are the ornate public toilets to the north along with the flat roofed Jetty building which contains a number of kiosks, and a single storey, likely immediate-post war flat roof building (which appears to be used by the Great Yarmouth Fishing Federation).
- 10.9 The proposed building would be read in this mixed context of surrounding buildings. The proposed building would be situated between the single storey flat roofed building and the public toilets and due to its limited height (1.7m) would be recessive between the two. It would appear subservient to the surrounding buildings and would read as an ancillary building. This is also in part thanks to its simple form.
- 10.10 There is a mixture of materials in the surrounding area. This includes buff brick and render. The building is proposed to be of buff brick construction and would therefore be in keeping with surrounding context.
- 10.11 It is considered that the proposal represents an acceptable design which will comply with Core Strategy Policies CS1 and CS9.

Impact on Historic Environment

- 10.12 The site is located within the no.16 Sea Front Conservation Area. Section 72(1) of the Listed Buildings Act 1990 states that in the exercise of various functions under the Planning Acts in relation to land in Conservation Areas (including determination of planning applications) the Council is required to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. There are a number of Listed Buildings along Great Yarmouth's Sea Front, the nearest is the Grade II listed Prisoner of War, War Memorial, 80m northwest of the site. Section 66(1) of the Listed Buildings Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Council is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 10.13 Being that the application affects designated heritage assets, the scheme must comply with Core Strategy Policy CS10 which in part requires that proposals should conserve and enhance the significance of the borough's heritage assets and their settings, such as Conservation Areas and Listed Buildings. This approach is expanded upon by LPP2 policy E5 which requires development to *"seek to conserve and enhance the significance of heritage assets, including any contribution made by their setting, by positively contributing to the character and local distinctiveness of the area."*

- 10.14 The Sea Front Conservation Area is identified by Historic England as being in poor condition (Heritage at Risk Register, Historic England) and therefore there is a need to ensure that all development proposals both complement and enhance the historic fabric of the Seafront Area, have regard to the setting of designated heritage assets, and be of high quality design in line with Policies CS9, CS10, and E5 and the National Design Guide and emerging draft GYBC Design Code Supplementary Planning Document.
- 10.15 The application proposes a relatively small and simple building within an area where buildings have been added along the promenade in a piecemeal way. The building does not relate well to the space and the general openness of the public area, being somewhat detached from other structures when consolidating it alongside the other various existing buildings would have been a more successful and less intrusive proposal. However, given what has gone before and the small scale nature of the proposal, and character of the area as hosting kiosk-type buildings, this does not on balance appear out of place within this context. The building's small scale and use of materials consistent with the promenade means that it will have limited visibility (mainly from easterly/westerly views) and prominence, and will be read in conjunction with the surrounding buildings.
- 10.16 The Conservation Officer has been consulted on the application and raised no objection but did request that further information be provided with regard to materials.
- 10.17 Paragraph 205 of the NPPF expects that the impact of development on the significance of a heritage asset be assessed during the determination of an application. In this instance, it is considered that the proposal would have a neutral impact on the significance of the Conservation Area, i.e. avoiding harm overall.
- 10.18 It is considered that the application complies with Core Strategy Policy CS10 and Local Plan Part 2 Policy E5. It is considered that the proposal would have a neutral impact on the overall character and appearance of the Conservation Area and setting of nearby listed buildings. The proposal complies with Sections 66 and 72 of the Listed Buildings and Conservation Areas Act in this regard.

Residential Amenity

- 10.19 The application site is located along the Golden Mile and is in close proximity to a number of leisure and entertainment uses. There are no residential dwellings within the immediate vicinity. Adopted policy A1 expands on policy CS9 F to ensure that no significantly harmful amenity issues occur. Due to the scale and proposed use of the proposed beach wheelchair store, no adverse impacts on neighbouring amenity are expected to occur. The application is considered to comply with policies CS9 and A1.

Flood Risk

- 10.20 The site falls within flood zone 3a, where there is a high probability of flooding from the sea. Whilst this has been a consideration, this does not cause significant concerns over being impacted by flood risk as it does not comprise a building that would be vulnerable to users from flood damage. The footprint of the building is considered de minimis in flood risk terms in respect of the possible increased risk of flooding caused elsewhere. As such, a Flood Risk Assessment is not considered proportionate to the assessment and neither that nor a flood risk Sequential Test have been requested.

- 10.21 Given the low vulnerability of the proposed use, the application is considered to comply with policy CS13 and it is not seen as necessary to condition a Flood Response Plan as the building would not involve a use whereby it would contain people during a flood event nor present a risk to residents, visitors or businesses as the building is locked and contained if not in use.

Coastal Change

- 10.22 The application is located outside of the area defined by policy GSP4 as the Coastal Change Management Area but does lie within 30 metres of this line (which runs along the flood wall). As such, according to policy GSP4, the application is required to be supported by a Coastal Erosion Vulnerability Assessment (CEVA) to demonstrate that the development will not result in an increased risk to life or property.
- 10.23 As the development is for a less vulnerable form of development, a 'Type A' (template) CEVA can be appropriate in this instance. This has been received and as such the applicant has recognised the risk posed by Coastal Change. The application complies with GSP4.

Local Finance Considerations

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

11. The Planning Balance

- 11.1 The proposed wheelchair store will provide a public benefit by allowing storage for a wheelchair which will open-up use of the beach for those who are currently unable to access it. It will make some of the Borough's key tourist assets accessible for a wider group of people. The application site is within the main tourist area within the Borough and complies with the aims of improving tourist accommodation and facilities / attractions, in line with Core Strategy Policy CS8 and Local Plan Part 2 policy GY6.
- 11.2 The application is of simple design but its small scale and location within an area of existing buildings will mean that it will have a neutral impact on the character and appearance of a dwelling when taking into account the surrounds. The application complies with Core Strategy Policy CS10 and Local Plan Part 2 Policy E5 and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 11.3 The proposed building is not proposing a vulnerable use and is considered acceptable in flood risk terms. The application complies with policy CS13 in this regard.

12. Conclusion and Recommendation

- 12.1 The application would provide a building of acceptable design and one which facilitates a public benefit.

- 12.2 Having considered the details provided, the application is considered to comply with policies CS1, CS8, CS9, CS10 and CS13 from the adopted Core Strategy, and policies GSP1, GSP4, GY6, E3, E5 and A1 from the adopted Local Plan Part 2.
- 12.3 It is considered that there are no other material considerations to suggest the application should not be recommended for approval.

13 RECOMMENDATION

- 13.1 It is recommended that powers be delegated to the Head of Planning to **APPROVE**, subject to:
- a) Prior receipt of appropriate confirmation of proposed materials and design; and
 - b) The Conditions listed below with any required amendment to their wording; or the inclusion of other Conditions and / or Informative Notes; as considered to be appropriate by the Head of Planning

Proposed Conditions

Standard time limit

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

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

Development to accord with approved plans and details

2. The development shall be carried out in accordance with the following revised plans received by the Local Planning Authority on the 17th November 2023:

Location Plan

Proposed Building and Location Plan (Drawing Number 001)

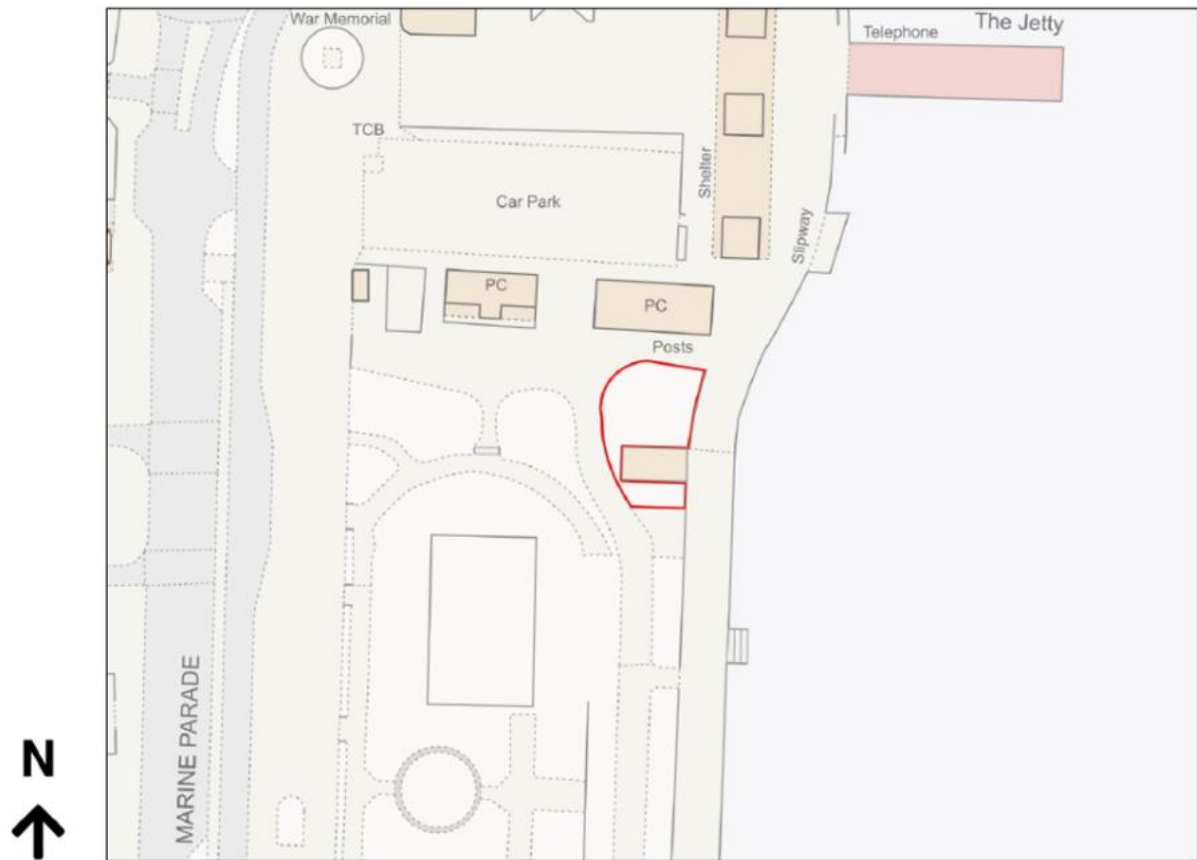
Reason: For the avoidance of doubt.

Storage limited to beach wheelchair only

3. The beach wheelchair store hereby permitted shall only be used for storage of the beach wheelchair and any associated equipment and for no other uses whatsoever. No commercial storage or activities shall take place from the beach wheelchair store whatsoever without first gaining the express written permission of the Local Planning Authority.

Reason: The proposed building is considered acceptable on the basis of it being proposed to store something which provides a public benefit and contributes to the tourism attraction of the Sea Front, in accordance with the aims of Core Strategy (2015) Policy CS8; Furthermore, other uses are not appropriate as they have not been justified because the proposed building is located within Flood Zone 3 and evidence has not been provided to demonstrate that other uses would be acceptable.

APPENDIX 1: Site Location Plan



Development Management Committee Report

Committee Date: 24 January 2024



Application Number	06/23/0139/F - Click here to see application webpage
Site Location	Brush Quay Car Park, Quay Road, Gorleston, Great Yarmouth
Site Location Plan	See Appendix 1
Proposal	Proposed replacement compound for the storage of bins, barrows and ancillary equipment with separate access off Quay Road; erection of a steel store and a 2m high steel perimeter fence.
Applicant	Mr M Clark
Case Officer	Mr M Joyce
Parish & Ward	Great Yarmouth, St Andrews Ward
Date Valid	19 th July 2023
Expiry / EOT date	31 st January 2024
Reason at committee	Connected application – GYBC is both landowner and applicant.
Procedural note	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 on 12/01/2024 to afford the Monitoring Officer an opportunity to check the file and ensure they are 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. Any discrepancies will be raised by the Monitoring Officer prior to the meeting.

SUMMARY OF RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The Site

- 1.1 The application site is located inside the Brush Quay / Riverside Road car park, approximately opposite 6-8 Riverside Road, Gorleston. The site is positioned along the River Yare riverside. The site is situated south of the RNLI station and the surrounding area is predominantly residential. The carpark can be accessed from both Riverside Road and Quay Road. This application relates to the proposed replacement compound for the storage of bins, barrows and ancillary equipment with a new, separate access proposed off Quay Road; erection of a steel store and a 2m high steel perimeter fence.

- 1.2 Riverside Road consists of rows of semi-detached and terraced dwellings that line the road on its west side. Most of these dwellings are not setback from the road and benefit from low dwarf brick walls and hoop top railings to their frontage that separates them from the highway.
- 1.3 The site does fall within Conservation Area No. 17 Gorleston Conservation Area and is approximately 200 metres from the Grade II listed building 'Lighthouse'. There is currently no bin storage compound that can be seen in the car park or in the surrounding area.

2. The Proposal

- 2.1 A storage compound was previously sited behind the public toilets block on Quay Road across the road from this application's proposed replacement location on the Brush Quay Car Park. The original compound and shed were destroyed by arson attack fire which then caused significant damage to the toilet block which remains unusable; the toilet block has recently been granted permission by the Committee to be demolished.
- 2.2 Accordingly, it is proposed to relocate the bin store and construct it of non-flammable materials. The proposed 2 metre high steel fencing around the bin storage area will protect the public from spread of flames and the steel shed will offer protection to the "Bradshaw" motorised bin.
- 2.3 The proposed new location towards the southeast corner of an existing GYBC owned car park is on the opposite side of Quay Road to its current location and is in a Conservation Area, but 35 metres from the nearest building (dwellinghouse).
- 2.4 There will be a separate access created off Quay Road; erection of a steel store and a 2m high steel perimeter fence. The proposed replacement bin compound will have its own access which will not open onto the car park and will be constructed with a 2m high steel fence. The compound will house a steel store shed within. The proposal will result in the loss of 5 car parking spaces.
- 2.5 The car park is cobblestone surface, cobbles in the vicinity of the new fence posts will need to be lifted to install the posts which will be concreted below ground and the cobbles will be re-laid around the post. Any cobbles that cannot be re-laid will be stored and re-laid should the compound be no longer required at this location.

3. Relevant Site Constraints

- 3.1 The site falls within Conservation Area No. 17 Gorleston and is within the setting of Grade II listed building 'Lighthouse'.
- 3.2 The site is within Flood Zone 3 and is positioned against the tidal flood wall.
- 3.3 Whilst not a part of it, the site is adjacent to the port area.
- 3.4 The site is within the development limits of Gorleston.

4. Relevant Planning History

- 4.1 There is no relevant planning history at the site.
- 4.2 The toilet block which currently screens the arson-affected bin store was approved for demolition under permission 06/23/0433/F (12th July 2023 committee).

5. Consultations

- 5.1 The consultation period for this application ended on the 30th October 2023. This report details all comments received at the time of submission to the Committee.

5.2 Local Highway Authority

Initial concerns - No objection following clarification of plans

- 5.2.1 The LHA requested additional information with regard to the size of bins, need for vehicle access and frequency of access/use by said vehicles and the type of vehicle services using the site, and asked why a new point of access point is required rather than access being taken from within the car park, given that the fencing creates potential visibility issues.
- 5.2.2 Further information was submitted and in response to this the County Highway Authority considered that on balance given the nature of the “vehicle” and presumed frequency of access, the Highway Authority raise no objection subject to standard conditions relating to inward opening of any gates/potential means of obstruction, and a minimum 2.5 metres separation distance of any part of the proposed structure being achieved from the adjacent highway carriageway. An informative advising that private structures are not permitted on Highway land is also suggested.

5.3 Environment Agency

No objection

- 5.3.1 No objections to the proposal. However, the EA note that as the site falls within Flood Zone 3, where there is a high probability of flooding from the sea, policies do require consideration of flood risk for new development, and the NPPF states that whilst applications for some minor development should not be subject to the sequential or exception tests, even those proposals should still meet the requirements for site-specific flood risk assessments.

5.4 Environmental Health Officer

No objection

- 5.4.1 No objections to the proposed development.

5.5 Conservation Officer

No objection

- 5.5.1 There is no objection to the proposed development in principle but advises that a light grey finish for the container and compound should be used as this would blend in better with the surroundings and would make the structure less prominent.

6. Publicity and Representations Received

- 6.1 The public consultation period for this application ended on the 30th October 2023. 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 CS13: Protecting areas at risk of flooding and coastal change.
- Policy CS16: Improving accessibility and transport.

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development limits
- Policy GY6: Great Yarmouth Port and Harbour Seafront Area
- Policy A1: Amenity
- Policy E1: Flood risk
- Policy E5: Historic environment and heritage
- Policy I1: Vehicle parking for developments

8. Other Material Planning Considerations

National Planning Policy Framework (Dec 2023)

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

Emerging policy

The emerging Borough-wide Design Code Supplementary Planning Document (draft version July – October 2023).

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.

Main Issues

9.3 The main planning issues for consideration include:

- Principle of development
- Design
- Heritage and Conservation
- Access highway safety
- Car parking
- Flood risk

10. Assessment:

Principle of Development

10.1 The site falls within the development limits where development will be supported in principle subject to compliance with other relevant policies in the development plan, as stated by Policy GSP1. The proposal seeks to re-provide a bin store, albeit in a different location a previous bin store, and seeks to minimise its risk from the potential for future arson attacks. Officers consider that the proposal is acceptable in principle subject to being in accordance with other relevant planning policy and guidance.

Design

10.2 The proposal is of a utilitarian design, accommodating as it does a bin store and security fencing. In its previous location, the bin store could be seen from 3 sides adjacent to the 1950's constructed public toilet block.

10.3 In the new location the bin store is viewed on all sides albeit only in long distance views from the east as it backs onto the river flood defence wall, which only offers partial screening as the structure is 2m tall and extends above the wall.

10.4 The proposed location is sufficiently far from neighbouring residents to avoid an impact on amenity and is some 40 metres from the King William IV Public House constructed in 1904 (undesigned).

10.5 Whilst clearly visible, Officers consider that it is a replacement of a compound in a car park adjoining the flood defence wall and as such would have a neutral or only very minor impact on the visible appearance of the area and as such whilst this would not accord with Policy CS9(g), officers consider this a minor departure which on balance is off set by the need for such a replacement facility at Brush Quay Car Park

Heritage and Conservation

10.6 Section 72(4) of the Listed Building and Conservation Area Act 1990, requires Local Planning Authorities in the exercise, with respect to any buildings or other land in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

- 10.7 The site lies within the Conservation Area No. 17 Gorleston and is c 200 metres from the Grade II listed building 'Lighthouse'. Whilst the Lighthouse is visible from the subject site, it is of a sufficient distance away not to have a material impact on the setting of the Listed Building.
- 10.8 The proposal whilst utilitarian in design, is set within a car park and against a concrete flood defence wall a significant distance from more noteworthy buildings of character within the conservation area. Though the cobbled surface adds character, the car park itself is not an attractive asset to the conservation area, but equally it is not a negative asset and its open character should be retained. Furthermore, it is an open vista to the quay and riverside for residents and visitors, and there are very few utilitarian structures in the area which are not already buildings. As the car park is often busy with parked cars, even outside the holiday period, during the day the compound's position at the eastern perimeter of the site will appear less prominent and fairly well screened by vehicles from views from the north, west and, by the wall and low-level vegetation on the flood plain, from the east.
- 10.9 Views from the south will reveal the west and south elevation unattractive sheet metal compound sides, which are unfortunate and do not maintain or enhance the Conservation Area, but planning conditions can be used to require the colours to be more muted, such as the grey suggested by the Conservation Officer.
- 10.10 Nevertheless, even in a different colour scheme, the compound is not complementary to the character and appearance of the conservation area, a designated heritage asset, nor the longer-distance appreciation of the grade II listed Lighthouse. As a temporary solution to the loss of the existing refuse compound, it is considered acceptable to allow the low level of harm, but nevertheless harmful impact, from the structure's siting in this position. However, every effort should be made by the applicant to seek a less intrusive and more complementary location for use on a permanent basis, and it is noted that nothing has been presented with the application to justify the need for the compound nor explain why this is the only feasible location.
- 10.11 It is considered overall that the development has a low level of harmful impact on the conservation area, but a harmful impact nonetheless, and as such fails to conserve and enhance the character and appearance of the heritage asset which is required by legislation and policy. The Council's Conservation Officer has no objections to the proposal were it to use a different colour, and permission on a temporary basis can mitigate some of the longer term harm that might be associated with the alien structure were it to be approved on a permanent basis. Therefore, officers consider that the proposal as a replacement bin store is broadly able to be in accordance with Policies CS10 and E5 if it is subject to mitigation through planning conditions.
- 10.12 Furthermore, the National Planning Policy Framework (paragraph 208) has a long-established principle that for any development which *"will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."* The relevant public benefits weighing in favour of this proposal are the provision of a need replacement refuse management facility which with conditions can be managed and reviewed after a temporary period if members are minded to approve this application.

Access, Highway Safety and Car Parking

- 10.13 The proposal seeks to have an alternative access to the site adjoining the main access into the car park. This will contain and secure the site for use only by the Council vehicle and storage of a Bradshaw motorised bin.
- 10.14 Access is required daily during the summer months but less frequently during winter. The access has deliberately been kept independent of the public car park access to reduce any potential health and safety concerns and damage to vehicles.
- 10.15 The County Highway Authority, has on the receipt of further information provided by the applicant withdrawn its objections subject to conditions related to avoiding obstruction relating to inward opening of any potential means of obstruction and a minimum 2.5 metres distance from the adjacent highway carriageway of any part of the proposed structure. An informative advising that private structures are not permitted on Highway land is also suggested and all of the above is considered relevant and reasonable to Officers to mitigate potential harm from an access/traffic safety point of view.
- 10.16 In addition, Officers note the loss of five car parking spaces and the lack of justification. However, the loss is relatively modest compared with the significant number of car parking spaces retained and as such Officers are content that the proposal is in accordance with Policies CS1 and I1 of the Local Plan.

Flood Risk

- 10.17 The site falls within Flood Zone 3, where there is a high probability of flooding from the sea. Policies do require consideration of flood risk for new development, and the NPPF states that whilst applications for some minor development should not be subject to the sequential or exception tests, even those proposals should still meet the requirements for site-specific flood risk assessments.
- 10.18 However, it is acknowledged that the application proposes a replacement of a bin store and would be considered a 'de minimis' development in terms of the net-additional flood risks posed by the development. Although relocation of the bin store outside of the flood area would be preferable, on balance, it is considered that there is no worse flood risk, that there would be at a previous location. By virtue of the nature of the proposal, which in flood risk terms is categorised as 'less vulnerable' development, it is not considered proportionate in the circumstances to request a flood risk assessment for this application, however it is recommended that a flood response plan is provided instead, by condition attached to any permission.
- 10.19 The Environment Agency have no objection to the proposal and Officers are satisfied that subject to condition that the scheme accords with CS13 and E5 of the Local Plan.

11. The Planning Balance

- 11.1 The proposed bin store compound, access and fencing is of a relatively modest scale and is a replacement for a facility previously in the vicinity. The alternative of not having such a compound would increase pressure on refuse storage and collection elsewhere, especially during the holiday seasons.

- 11.2 It is considered that the nearest Listed Building's heritage setting is not unduly impacted by the proposal and that it has a low level of negative impact on the character and appearance of the Conservation Area. The Conservation Officer has not objected to this development but recommends the use of more appropriate and muted colours.
- 11.3 The County Highway Authority has removed its objection subject to conditions and the Environmental Agency has no objections. Officers consider that a condition relating to flood risk management should be attached to mitigate potential problems.
- 11.4 Taking the three limbs of sustainable development; economic, environmental and social as set out in paragraph 8 of the NPPF, the proposal has a neutral economic impact as it replaces a previous local authority service and does not in itself create income or employment. On the environmental side, it is harmful in terms of impacts on heritage assets, but neutral in terms of access and car parking issues, as sufficient car parking remains on site and conditions can mitigate potential access and obstruction issues. On the social aspect of sustainable development, the proposal would be slightly positive in re-instating a refuse collection and storage service avoiding pressure on relocation elsewhere in the local authority area.
- 11.5 Nevertheless, the application proposes a low level of harm to the character and appearance of the Conservation Area and has not justified why the harm cannot be avoided through more sensitive site selection elsewhere within or outside the Conservation Area. As such before permission can be granted the public benefits of the proposal must be seen to outweigh the harms of the development on the heritage asset, as required by paragraph 208 of the National Planning Policy Framework.
- 11.6 Officers consider the benefits to be suitable to address the short-term loss of the existing facility through a short-term use of this compound, but the benefits are not sufficient to justify the long term or permanent use of the facility and the associated detrimental impact it would create on the appearance of the Conservation Area and the association with the grade II listed Lighthouse. The public benefits of providing a compound would be much lessened over time through the reduced attractiveness of the area to tourism, causing a deterioration of the tourism offer and subsequent reduced economic investment.
- 11.7 It is therefore not considered to be appropriate to allow the development to cause harm on a permanent basis by granting a permanent planning permission. Instead, the most appropriate form of permission is considered to be a temporary permission for two-years, which affords the applicant sufficient time to appraise the refuse collection and storage options for the area and find a more suitable location or propose a more complementary form of development.

12. Conclusion

- 12.1 In conclusion the proposal represents sustainable development and, when subject to conditions requiring mitigation, can be broadly in accordance with the relevant planning policy and guidance. Subject to conditions, the proposal is recommended for approval.

13. RECOMMENDATION

- 13.1 That application 06/23/0139/F be APPROVED subject to the following conditions:

Proposed Conditions

Standard time limit

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

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

Development to accord with approved plans and details

2. The development shall be carried out in accordance with the following plans submitted to the Local Planning Authority:
 - PAM-CS-MPC-WBS-01 – Site Location Plan
 - Site Layout Plan: GY Services Proposed Compound, Brush Quay Car Park
 - PAM-CS-MPC-RSBS-01 – Plan and Elevations
 - PAM-CS-BQUAYBIN-02 – Proposed Steel Shed.

Reason: For the avoidance of doubt.

Temporary Planning Permission

3. The development hereby approved shall last for two years from the date of this planning permission only. If the use has not ceased before that date, upon the expiry of this permission the use shall cease and the site shall be cleared and the area of the car park re-instated to its former condition, within 28 days of the expiry of the permission hereby granted.

Reason: To minimise the harm to the surrounding heritage asset whilst affording the applicant time to appraise the requirements for the site and seek a potentially more appropriate location for this development in the interests of the preservation and enhancement of the conservation area and visual association with listed buildings.

Pre-commencement conditions

Flood Response Measures

4. With the exception of ground works and site clearance, there shall be no commencement of development until a flood response plan has first been submitted to and approved in writing by the Local Planning Authority. The flood response plan shall include information which confirms the development has signed up to the Environment Agency's Flood Warnings Direct Service, shall include appropriate evacuation plans and mitigation measures, and the approved flood response plan shall be provided to and made available to all future occupiers of the site thereafter.

Reason: In the interests of minimising the risk of flooding to occupants of the development.

Materials Details

5. With the exception of ground works and site clearance, there shall be no commencement of development until details of the material to render the compound or the colour of the compound sheeting to be used have first been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first use of the site and shall be retained as such thereafter.

Reason: In the interests of preserving and enhancing the character of the Conservation Area in accordance with Policies CS10 and E5.

Actions required prior to first occupation / use of the development

Repair works

6. That prior to the first use of the site any damage to the surfacing shall be rectified in materials which match the existing cobbles.

Reason: In the interests of preserving and enhancing the character of the Conservation Area in accordance with Policies CS10 and E5

Ongoing compliance conditions

7. No vehicular access to the car park shall be allowed save for the motorised bin used in conjunction with this use.

Reason: In the interests of highway safety.

8. Any access gates/bollard/chain/other means of obstruction shall be hung to only open inwards.

Reason: In the interests of highway safety.

9. Notwithstanding the details submitted on the approved plans no part of the proposed structure (the compound fencing) shall be erected within 2.5m of the public highway as measured from the near edge of the adjacent highway carriageway

Reason: In the interests of highway safety.

Informative Notes

- 1 Informative Note: Highways
It is the Applicant's responsibility to clarify the boundary with the public highway. Private structures such as fences, or walls will not be permitted on highway land. The highway boundary may not match the applicant's title plan. For further details please contact the highway research team at highway.boundaries@norfolk.gov.uk
- 2 Informative Note: Heritage and Conservation
Your attention is drawn to Condition 5 of this permission: The Conservation Officer advises that a light grey finish for the container and compound would likely be preferable as this would blend in better with the surroundings and would make the structure less prominent.

- 3 Informative Note: Statement of Positive Engagement
In dealing with this application Great Yarmouth Borough Council has actively sought to work with the applicant in a positive and proactive manner

Appendix 1: Site Location Plan



Development Management Committee

Addendum Report

Committee Date: **24 January 2024**



UPDATES TO PLANNING APPLICATIONS

Item 4

Application 06/23/0616/D

Site: Land at Nova Scotia Farm, west of Jack Chase Way, West Caister

Additional representations received:

- GYBC Environmental Protection Officer (EPO) – Comments relating to Air Quality, Noise and Contaminated Land.
- GYBC Housing Enabling and Strategy Officer – Application meets requirements for number and mix of affordable housing and these units are integrated well throughout the site.
- NCC Lead Local Flood Authority – Request to extend consultation response time – declined by GYBC.

Additional information received from the applicant:

- Persimmon Homes have provided a response to representations received from:
 - Norfolk Constabulary Designing Out Crime Officer
 - Anglian Water
 - GYBC EPO

All new comments and the additional information is available to view on the website and can be viewed via this link: <https://shorturl.at/ivyLV>

Update to report:

- Paragraph 3.12 on page 14 of Agenda pack - Drafting error at the third bullet point - reference to 'Ormesby Road' should read 'Jack Chase Way'.

Recommendation

As per the published agenda report.

Item 5**Application 06/22/1104/F****Site: Rose Farm Touring Park, Stepshort, Belton****Additional representations received:**

The Housing Enabling and Strategy Manager has commented that touring caravans do provide valued housing for Gypsy and Traveller communities, but reiterates that the use of touring caravans for permanent residential use outside of these communities is not something the Council would endorse.

Procedural matters:

- A press advert and new site notices have been issued to advise the public of the application being both a major development and contrary to the development plan. The consultation period expires on the 16th February 2024. Any representations received will be sent to the Planning Inspectorate.

Update to report:

Paragraph 10.3 on page 30 of the Agenda Pack is amended following the Housing Officer's comments, as below:

"The applicant has indicated that some parts of the touring caravan park are already used for permanent residential use, and suggests there are benefits to be gained from this site doing the same. It is noted that the Borough's community does include residents for whom a touring caravan provides suitable necessary, and in some instances, desirable residential accommodation, but there are ~~unlikely to be any sectors of the community~~ only specific client groups / cohorts for whom a public authority could endorse a touring caravan as suitable permanent residential accommodation as a primary or sole residence. It would not, therefore, represent a form of housing that would usually be endorsed or planned-for to contribute towards the identified housing needs of the Borough."

Recommendation:

As per the published agenda report.

Item 6**Application 06/23/0678/VCF****Site: Former Pontins Holiday Centre, Beach Road, Hemsby****Procedural matters – Consultation and deferral of Item 6.**

Since the publication of the report an administrative error was found. This application has not been subject to consultation with Local Ward Members nor the Parish Council. As a statutory consultee the Parish Council should be afforded the opportunity to comment within 21 days before determination. The necessary consultations were circulated on 18 January 2024, so the consultation period for comments to be received will not expire until 8 February 2024.

Public consultation has been undertaken by press advert and site notice and the consultation period for those comments to be received is the 24 January 2024 (see Committee report para 5.1).

With the agreement of the Chairman and Vice Chairman of the Development Management Committee, the Item has been deferred for consideration by Committee on the 21 February 2024, to allow time for the Hemsby Parish Council to provide any comments.

Item 7

Application 06/23/083778/F

Site: Site adjacent the ladies' Public Convenience, The Jetty, Marine Parade, Great Yarmouth

Additional representations received

No additional representations.

Recommendation

As per the published agenda report.

Item 8

Application 06/23/0139/F

Site: Brush Quay Car Park, Quay Road, Gorleston

Additional representations received

No additional representations.

Additional information received

The applicant has confirmed they agree with the proposed use of a condition limiting this to a two-year temporary permission to allow for a review.

Recommendation

As per the published agenda report.