

Development Management Committee Report

Committee Date: **21 February 2024**



Application Number	06/23/0678/VCF - Click here to see the application webpage
Site Location	Former Pontins Holiday Centre, Beach Road, Hemsby, NR29 4HJ.
Site Location Plan	See Appendix 1
Proposal	Variation of Condition 6 of pp 06/20/0422/F (Development of 188 no. dwellings and 88 no. 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 October 2023
Expiry / EOT date	29 February 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 matters

- 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.
- P1.2 This item was originally scheduled to be considered by the Committee on 24 January 2024 but was removed from the agenda prior to the meeting, to allow the Parish Council and Ward Councillor consultation period to complete. The necessary consultation periods expired on 08 February 2024. This report has been amended accordingly so should be considered a new stand-alone report to supersede that which featured on the 24 January agenda.

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 completion of the associated section 106 agreement. The decision notice was issued on 21st July 2021 for the mixed use scheme comprised of 188 no. dwellings and 88 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.
- 1.7 Works have commenced on site and the development is being built out in phases. No pre-commencement conditions remain undischarged.

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/F
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 (archaeology investigations) of permission 06/20/0422/F.
Part A Discharged 17th October 2022.
- 4.4 06/21/0729/CD
Discharge of Conditions 13 (parking for construction workers), 14 (Construction Management Plan), 18 (Bird and bat boxes), 19 (Surface water drainage scheme), 21 (Phase 2 Contamination site investigation), 25 (Boundary treatment details), of 06/20/0422/F.
Part Discharged on 21st July 2022.
- 4.5 06/21/0951/F
Removal of condition 4 (holiday occupation restrictions: to allow occupation of the holiday accommodation units all year round) of 06/20/0422/F.
Refused 2nd February 2022.
 - 4.5.1 The application was recommended for approval by Officers but was refused by the Development Control Committee on 02 February 2022.
 - 4.5.2 The reason given for refusing this variation was that for the LPA to retain control of the development and allow for maintenance of holiday units it would be necessary to retain a period of vacancy in occupation and retain control over the use of the units as a means to ensure there would be a continued availability of holiday accommodation. The Committee 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 06/23/0115/CD
Discharge of Conditions 16 (Interim Travel Plan) and 20(c) (Archaeological investigation reports), of permission 06/20/0422/F.
Discharged 16th May 2023.
- 4.7 06/21/0904/CD
Discharge of conditions 6 (Development to accord with approved plans), 7 (Street maintenance and management details), 12 (Cycle parking details), of permission 06/20/0422/F.
Conditions 7 and 12 discharged and 6 not discharged, 21st July 2022.
- 4.8 Of the conditions of permission 06/20/0422/F, it is notable that Condition 9 (regarding off-site highways works improvements) has not been discharged but is also a pre-commencement condition. It is understood that the Local Highway Authority has recently approved a set of drawings on 06 February 2024, but these have not been submitted to the LPA so the LPA cannot compare them to the requirements of the condition and without an application to discharge the condition the condition remains undischarged.
- 4.9 However, Officers consider that the condition is not a true 'condition precedent' condition and can be accommodated into this permission through requiring the offsite highways works details to be agreed and subsequently installed prior to the first occupation of the development, rather than prior to commencement. Any permission granted is recommended to be subject to a condition amended to this effect.

5. Consultations

5.1 County Highway Authority

No comments.

- 5.2. 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 As an application for major development the proposal has been advertised by site notice and press advert. Consultation ended on 8th February 2024.

6.2 Ward Members – Cllr Galey and Cllr Bensley

- 6.2.1 No representations received.

6.3 Hemsby Parish Council

- 6.3.1 No objections subject to the proposal being in accordance with the Hemsby Design Code and Neighbourhood Plan policies.

6.4 Public Representations

- 6.4.1 A member of the public questioned why the 24 January 2024 version of the Committee Report had not appraised the proposal against the Hemsby Neighbourhood Plan or Hemsby Design Codes.
- 6.4.2 Officers can confirm the omission referred to was an oversight and have now included an appropriate assessment of these policies and associated guidance. The Neighbourhood Plan forms a statutory part of the local development plan, so the assessment is required before a decision is made. The Neighbourhood Plan is discussed below.

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

Hemsby Neighbourhood Plan (July 2023)

Policy 3 - Design

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.

Hemby Design Codes (2022)

This is an unadopted guidance document which helps support and inform implementation of the Neighbourhood Plan. Page 64 addresses porches and page 72 concerns solar panels.

Borough-wide Design Code Supplementary Planning Document (SPD)

The SPD was adopted by the Borough Council in January 2024, and the application has been appraised against the salient parts of the Code.

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;
 - 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 include installing solar panels and to 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 of the Core Strategy, and policies HY1 and A1 of the Local Plan Part 2, and Policy 3 of the Hemsby Neighbourhood Plan.

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.
- 10.7 Policy CS9 supports proposals of high standard of quality. Policy 3 “Design” of Hemsby Neighbourhood Plan sets out the broad design requirements and states that developments should have regard to the Hemsby Design Codes, noting that the application site is within the ‘Hemsby beach’ character area (area ‘c’). The Hemsby Design Code also sets out expectations for new developments under its code ‘f’, discussed below.
- 10.8 The Hemsby Design Codes (2022) provide further detailed guidance with regard to development in the Hemsby Area. The code advises that it is important that the detailing and architectural elements used in new developments are of a high quality and reinforce the local character of Hemsby. For porches, it is noted that porches and terraces tend to be associated with the bungalow typology, especially in coastal locations such as Hemby’s. They can be considered as local feature elements that can create interest on the street. The proposed amendments are minor and considered by Officers to be in keeping with the existing buildings, and as such they are consistent with advice in the Hemsby Design Codes.
- 10.9 Page 72 addresses solar panels advising that the colour and finish of solar panels and how they reflect light should be chosen to fit in with the building or surroundings. The proposed panels are thin and frames black in colour and are considered by officers to be unobtrusive, in proportion to the building and laid out in symmetrical arrangements. Consistent with the guidance in the Hemsby Design Code.
- 10.10 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 of the Core Strategy and Policy 3 of the Hemsby Neighbourhood Plan.

Impact upon Amenity

- 10.11 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.

- 10.12 The proposed minor material amendments are confined to the installation of solar panels, and the amendments to the porches are proposed essentially in term of materials employed to be consistent with the rest of the development. Officers consider that there is not a significantly 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

- 10.13 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 new pp condition
1	3 years commence works	Works have commenced	REMOVE
2	Removal of PD rights	Retained - reimpose	2
3	Limits to holiday use	Retained - reimpose	3
4	Limits to holiday use	Retained - reimpose	4
5	Limits to holiday use	Retained – reimpose	5
6	Accordance with Plans	Retain with revised plan numbers	1
7	Street Maintenance and Management Plans to be submitted for approval and implemented prior to occupation.	Modify - Implement the approved details from 06/21/0904/CD prior to occupation	18
8	Vehicle access and egress is to be limited to those points on submitted plans and works shall reinstate footways etc in accordance with a detailed scheme to be submitted with bringing into use new access.	Retain – the development is to be implemented with the approved details only; further details on highway verge reinstatement need to be submitted and agreed before accesses are closed.	10
9	A. Details for off site highway improvements to be submitted for LPA approval. B. Implement approved works prior to occupation.	Retain and reimpose in a modified form, to require details to be approved prior to first occupation rather than commencement.	13
10	Provide visibility splays pre-occupation and maintain thereafter	Retained - reimpose	14
11	Prior to occupation provide access layout on site and retain thereafter	Retained - reimpose	15

12	Cycle parking scheme details to be approved and implemented prior to occupation	Modify – Implement details as approved under 06/21/0904/CD prior to occupation	16
13	Parking for construction workers provided on site for duration and save for refurbishment provide details for approval prior to commencement	Modify – Implement details as approved under 06/21/0729/CD throughout construction period	6
14	Provide Construction Traffic Management Plan for approval pre-commencement	Remove (condition discharged)	Remove
15	Implement Construction Traffic Management Plan and maintain for construction period, including use of defined Access Route.	Modify – Implement details as approved under 06/21/0729/CD throughout construction period	7
16	Submit Interim Travel Plan on commencement of development for approval	Modify – Require use of the approved Interim Travel Plan from 06/23/0115/CD	9
17	Implementation of Interim Travel Plan pre-occupation. A Full Travel Plan to be submitted for approval within 1 year of occupation.	Retained - reimpose	18
18	Details of bird and bat boxes submitted for approval, erect and maintain prior to occupation. Use of hedgehog gaps in fencing.	Modify – require use of features approved under 06/21/0729/CD. Fences to require hedgehog gaps also.	16
19	Details of Surface Water Drainage to be submitted for approval. Approved scheme to be implemented prior to first occupation.	Modify – require use of drainage scheme approved under 06/21/0729/CD and to be complete prior to occupation.	11
20	Pre-occupation Archaeological scheme of investigation submitted for approval. Assessment completed prior to occupation.	Remove - All details approved and condition fully discharged.	Remove
21	Prior to commencement for development Phase 2 site investigation into contaminated land carried out. All remediation works agreed carried out prior to occupation.	Modify – Prior to occupation, provide contamination remediation works in accordance with details approved under 06/21/0729/CD.	20
22	Requirement to cease works if contamination found during construction.	Retained - reimpose	22

23	Fire Hydrant provision during construction	Retained - reimpose	21
24	Hours of construction work	Retained - reimpose	8
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.	Modify - Implementation of approved details before occupation in accordance with details approved under 06/21/0729/CD.	20

- 10.14 The Section 106 agreement which forms part of 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 specifically amend the said s106 Agreement. As such, under clause 6.10 of the Agreement, this application requires no changes to the existing s106 agreement, but any new permission granted will continue to be bound by the terms of the section 106 agreement dated 05 July 2021.

Local Finance Considerations

- 10.15 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, officers recommend that planning permission should be granted subject to the conditions listed below.

12. Conclusion

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

13. Recommendation

- 13.1 It is recommended that application 06/23/0678/VCF be APPROVED, subject to the following conditions listed below:

Conditions

Development to accord with approved plans and details

1. The development shall be carried out in accordance with the following documents and drawing numbers listed below.

Notwithstanding the details shown in approved plans for Block E, 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;

Plans and details received by the Local Planning Authority 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 the following details approved under original planning permission 06/20/0422/F:

Arboricultural 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 Accommodation 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.

Removal of permitted development rights at the new dwellings

2. 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 of the caravans/holiday chalets – use as holiday accommodation only

3. 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.

Limits to use of the caravans/holiday chalets – maintain an up-to-date register of occupiers

4. 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.

Limits to use of the caravans/holiday chalets – no occupation over 2 weeks in any year

5. 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.

Parking for construction workers

6. Parking for construction workers shall be provided on site for the duration of the construction period of the development hereby permitted, in strict accordance with the details of document CTMP V2 received by the Local Planning Authority on 6th September 2021 and as approved by application ref 06/21/0729/CD. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

Adherence to Construction Management Plan including Construction Traffic Access Route

7. For the duration of the construction period the development hereby permitted shall be constructed in strict accordance with the details of the Construction Traffic Management Plan (CTMP) V2 and Access Route received by the Local Planning Authority on the 6th September 2021 and approved under application ref. 06/21/0729/CD. All traffic associated with the construction of the development will comply with the Construction Traffic Management Plan (CTMP) V2 details and shall use only the 'Construction Traffic Access Route' detailed therein, and shall use no other local roads unless first approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining highway efficiency and safety.

Limits to Hours of Construction

8. 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.

(These hours shall only apply to work generating noise that is audible at the boundary of the nearest noise sensitive property)

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

Interim Travel Plan

9. The development hereby permitted shall be carried out in accordance with the Interim Travel Plan MA/VL/P20-2042/07 Rev C dated July 2021, approved under application reference 06/23/0115/CD. The development shall take place in accordance with the approved details until adoption of the Full Travel Plan required by this permission.

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

Access and egress points

10. 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.

Surface water drainage

11. The development hereby permitted shall be undertaken in strict accordance with the following detailed designs of surface water drainage scheme, as approved under application ref. 06/21/0729/CD:

- Drainage Strategy Summary, by Create Consulting, ref: JP/VL/P20-2042/08, dated 13 October 2021.
- Surface Water Drainage Layout, plan ref. 02/003, dated 20/08/21.
- Proposed Drainage Layout, plan ref. B-10, Rev C, dated June 2021.
- Surface Water Drainage Manhole Schedule, plan ref. 02/005, dated 20/08/21.
- Surface Water Drainage Standard Details, plan ref. 02/006, dated 20/08/21.

There shall be no occupation of the development hereby permitted until the surface water drainage scheme has been fully implemented in accordance with the approved details.

Reason: To prevent flooding in accordance with National Planning Policy Framework 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.

Off-site Highway Improvement Works

12. Part A –

Notwithstanding the details indicated on the submitted drawings, there shall be no occupation of the development hereby permitted until detailed drawings for the off-site highway improvement works in the form of push button pedestrian crossing, and bus stops with shelters and footway improvements, as indicated on Drawing Nos. 2042 03/101 A, 2042 03/102 A and 2042 03/103 A, have first been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the junction / pedestrian crossing layout at Beach Road as indicated on drawing no. 2042 03/102 A is not appropriate and will require revision.

Part B –

There shall be no occupation or use of the development hereby permitted until the off-site highway improvement works (including Public Rights of Way works) referred to in Part A of this condition have first been installed and completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor, and to ensure that the highway network is adequate to cater for the development proposed.

Visibility splays

13. 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 infrastructure within the site

14. 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 area 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.

Cycle parking

15. Prior to first occupation/use of the development hereby permitted the scheme for the parking of cycles shown on drawing number 8164 P.03 Rev F as approved under application ref. 06/21/0904/CD shall be fully implemented before the development is first occupied or brought into use and shall thereafter be 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.

Bird and bat boxes and hedgehog access

16. Part A –

There shall be no occupation or use of the development hereby permitted until no less than 10no. bird boxes, 5no. swift boxes and 10no. bat boxes have first been installed within the development in strict accordance with the details shown on drawing 8164 P51A received by the Local Planning Authority on the 21st July 2022 and as approved under application ref. 06/21/0729/CD. The bird and bat box features shall thereafter be retained in perpetuity.

Part B –

All boundary fencing to be erected on site shall have 20cm x20cm gaps at ground level, 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.

Street maintenance

17. The development hereby permitted shall be operated in strict accordance with the details of the arrangements for future management and maintenance of the proposed streets within the development as shown within the document entitled 'Site Management and Maintenance Plan for The Pine Estate Management Ltd (Private Management and Maintenance Company registered office Delta 3a Masterford Office Village, West Rd, Ipswich, IP3 9FH') as received by the Local Planning Authority 28 10 2021 and as approved under application ref. 06/21/0904/CD. The streets within the development shall 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

Full Travel Plan

18. Part A –

No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan document ref. MA/VL/P20-2042/07 Rev C dated July 2021, received and approved under application ref. 06/23/0115/CD.

Part B –

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.

Contamination remediation

19. There shall be no occupation of any buildings on site until the agreed remediation works for the development have first been undertaken in strict accordance with the measures approved within the document Remediation Method Statement Rev B, by Create Consulting Ref TB/CC/P20-2042/06 Rev B dated March 2021, as approved under application ref. 06/21/0729/CD, to be undertaken 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.

Boundary treatments

20. Prior to the first occupation or use of each dwelling, holiday chalet or holiday lodge, the approved boundary treatments for that premises shall be erected in accordance with the details shown within drawing 8164 P51A received by the Local Planning Authority 21st July 2022 and approved under application ref. 06/21/0729/CD, in accordance with the details for those premises to which they relate.

Reason: To ensure that adequate boundary treatments are provided.

Fire hydrants

21. 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.

Unexpected contamination

22. 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.

Informative Notes

1 Informative Note: Reason for Approval

The proposal complies with the aims of Policies CS1, CS2, CS3, CS9-CS16 of the Great Yarmouth Core Strategy and Policies A1, A2 and HY1 of the adopted Local Plan Part 2, is in accordance with Policy 3 of the Hemsby Neighbourhood Plan, and satisfies the expectations of the Great Yarmouth Borough-wide Design Code Supplementary Planning Document.

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: Section 106 Agreement and Planning Obligations

This permission is subject to the terms of a Section 106 Agreement dated 05 July 2021 which contains planning obligations which must be discharged as part of this development. This permission should be read in conjunction with the agreement dated 05 July 2021 made pursuant to Section 106 of the Town and Country Planning Act. The S106 Agreement contains provisions including but not limited to: Holiday Accommodation, long term management of the Leisure Facility, Open Space, Sustainable Drainage Systems, Internal Highways and Parking Areas and Natura 2000 contributions.

4 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.

5 Informative Note – Decision Notice wording

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.

Appendix 1: Site Location Plan

