

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(I) and GSP3.
- 10.48 Core Strategy policy CS11 (I) 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 is 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

