

Reference: 06/20/0562/O

Parish: Hemsby

Officer: Gordon Sutherland

Expiry Date: 01-01-21

Applicant: Mr A Brown

Proposal: Construction of up to 150 no. residential dwellings, new vehicular access, and associated infrastructure and landscaping

Site: Highfield Equestrian Centre, Newport Road, Hemsby

REPORT

1. Background

- 1.1** This is an outline planning application for a major residential development. Permission in principle is being sought including the point of vehicular access which is shown taken off Yarmouth Road. Reserved matters of Appearance, Landscape, Layout and Scale would require approval in future if outline permission is granted. An indicative layout for 150 dwellings has been submitted as part of the application.

2. Site and Context

- 2.1** This site is 8.35 hectares (20.63 acres) comprising fields used as paddocks for grazing horses and a riding track around the north, western and southern boundaries. The land is currently part of the Highfield Equestrian centre. The latter is accessed off Newport Road and includes stables and paddocks which adjoin the site on the eastern boundary. The land is roughly oblong in shape with longer eastern and western boundaries. To the south is open fields, to the west across Yarmouth Road is Hirsty's family fun park, outdoor cinema and maze, allotment gardens and the Jet Petrol filling station, towards the northern end is a line of interwar dwellings which front the road. To the north are the long rear gardens of dwellings which front Newport Road. Excepting the fencing for the paddocks the site is largely open. There are scrappy brambly boundaries along Yarmouth Road, and the southern boundary. A line of trees beyond the site screen the equestrian centre buildings from the west and there is a short hedge and tree belt at the NW boundary of the site.
- 2.2** A bus stop is located on Yarmouth Road at the north-western corner of the site which provides regular peak time public transport to Great Yarmouth. The site is approximately a 10-minute walk (800m) along Kingsway to the village

centre. There is a footway on the western side of Yarmouth Road opposite the site from Newport Road to the Petrol station.

- 2.3** The site is located outside of the village development limits for Hemsby as 'saved' from the 2001 Borough-Wide Local Plan where residential development is normally only permitted in exceptional circumstances. Further to the east along Newport Road is the Sundowner Holiday Park and Hopper's Caravan Park which are defined as holiday primary holiday accommodation areas in the aforementioned plan.
- 2.4** The site has **not** been included as a draft allocation in the Council's emerging Local Plan Part 2. The Local Plan Part 2 has been through public consultation (Regulation 19) stage of the plan making process and submitted to the Secretary of State for the Department for Communities and Local Government. An independent Planning Inspector has been appointed to undertake a 'public examination' of the "soundness" of the draft Local Plan and is likely to make recommendations to further improve it. Hearings are anticipated in March and April 2021.

3. Proposal

- 3.1** The proposal is for the provision of up to 150 dwellings on 4.26 hectares, the accompanying Masterplan indicates structured landscaped open space including the provision of a green corridor, play space, publicly accessible open space and sustainable urban drainage on 4.09 hectares. The overall density would be 35 dwelling units per hectare. A mixture of dwelling sizes and tenures is proposed, including 50% affordable housing. Supporting materials submitted with the application refer to the standards anticipated to be accommodated in any new residential development such as open space and play space, and the applicant expresses a willingness to meet community infrastructure requirements to mitigate the impact of the development. No information has been provided to demonstrate how the development could provide the indicated percentage of affordable housing.
- 3.2** Vehicular access is shown off a new access off Yarmouth Road towards the middle of the site, south of the petrol filling station opposite the allotment gardens. A bicycle and pedestrian access point would be located at the NW corner of the site.
- 3.3** The following supporting information has been submitted with the application: Planning Supporting Statement, Statement of Community Involvement, Design and Access Statement, Flood Risk Assessment and Drainage Strategy, Residential Travel Plan, Transport Assessment, Preliminary Ecological Appraisal, Shadow Habitats Regulations Assessment and a Desk Based Archaeological Assessment and a Preliminary Contamination Assessment

4. Relevant Planning History

4.1

06/90/0080/F Equestrian Centre – Approved 26 10 1990

06/99/0761/F 8 Stables Approved 13 10 1999

06/00/0588/F Deletion of Condition 5 – riding shall not take place on the adjacent highway- Approved 06 09 2000.

5. Consultations: - All consultation responses received are available online or at the Town Hall during opening hours

5.1 Hemsby Parish Council object to the application for the following reasons:

The site is mainly on Grade 1 agricultural land; development could set a precedent to develop the opposite side of Yarmouth Road too; the road is extensively used by visitors in the summer, slowing and turning in combination with the petrol filling Station could be hazardous; impact on residential amenity; adequacy of sewerage system in the vicinity; potential conflict between pedestrians and vehicles on Yarmouth road where there is no footway; overdevelopment of the village; change in character of land from rural to developed.

5.2 At the time of writing 33 representations have been received summarised as follows:

- Support for affordable housing (1 representation)
- Inadequate infrastructure to support more housing, schools, doctors, social services, water and sewerage capacity
- Site is outside the village envelope, loss of Grade 1 agricultural land, loss of green space, rural character
- Housing has been approved for redevelopment at the former Pontins holiday centre, the village doesn't need more houses for at least 5 years
- Yarmouth Road is busy in summer, traffic generation and new access impact on safe road use for visitors, no footways hazardous for pedestrians and cyclists.
- Hemsby is a holiday destination, more development will spoil the character, and have a negative impact on quality of life
- Insufficient shops, services, no senior school and employment in village mean householders will have to make journeys
- Increase flood risk on Newport Road

Consultations – External

Norfolk County Council

5.3 Highways – The Highways Authority have undertaken a technical assessment of the means of vehicular access and infrastructure within and adjoining the site, providing consideration of the appropriateness of the proposed access

and indicative layout of roads, pedestrian and bicycle facilities. It has reviewed the submitted Transport Assessment and Travel Plan. Verbal advice has been received that an access with sight splays to the appropriate standard for the observed speed of the road can be achieved. Any recommendations will be reported at the committee meeting.

- 5.4** Flood - Norfolk County Council as Lead Local Flood Authority (LLFA) – at the time of writing object to the application. The LLFA consider that the submitted Flood Risk Assessment and Drainage Strategy is deficient and have requested the following information and clarification: An allowance for urban creep is to be applied; evidence to demonstrate the finished floor levels for the proposed dwellings; infiltration testing results to be submitted and a Plan B drainage strategy provided should infiltration drainage prove not feasible. The applicant is endeavouring to provide this information. An update can be provided on the LLFA's response at the committee meeting.
- 5.5** Broads Drainage Board – Note that the applicant has indicated that they intend to dispose of surface water via infiltration. However, the viability of the proposed drainage strategy has not been evidenced. A site investigation is required to confirm the infiltration capacity of the ground as well as infiltration testing and groundwater monitoring in accordance with BRE365 guidelines.
- 5.6** If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then The IDB request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. If the committee is minded to approve this application a condition could be applied to address this requirement
- 5.7** Minerals Planning – Advise that the site is underlain by an unidentified mineral resource (sand and gravel) which is safeguarded. A condition to require site investigations, assessment, and a Materials Management Plan to be prepared for the application site (to estimate the quantities of material which could be extracted from groundworks and reused)
- 5.8** Fire Service – No objection subject to the provision of required fire hydrants in the order of 1 hydrant per 50 dwelling units.
- 5.9** The Natural Environment Team – Advise that recreational impacts on Breydon Water SPA have not been included in the Shadow Habitats Regulations Assessment (HRA) and should be scoped in to the HRA. Further the HRA should be amended to reflect the correct size of the site as this could make a difference to the recreational impacts on designated sensitive sites. The applicant is endeavouring to provide this information. An update can be provided at the committee meeting.
- 5.10** Natural England – No objection subject to appropriate mitigation being secured including: A significant amount of greenspace, comprising of public

open space, green corridors, play space and dog walking areas; access routes for dog walking leading away from designated sites, sustainable urban drainage systems to manage and process surface water drainage; and opportunities to incorporate wetland habitats for wildlife into the design of these systems.

- 5.11** Norfolk Constabulary (Designing Out Crime) has no comments at this outline proposal stage and notes the applicant is intending to incorporate main crime prevention features as detailed in Secure by Design guidance
- 5.12** Norfolk County Council - Infrastructure Requirements advise taking into account this and other developments at Yarmouth Road Hemsby and Pointers East Ormesby and the redevelopment of the former Pontins holiday centre there is sufficient capacity in the Early, Primary and High School Education sectors to accommodate the potential children from the development. However, this is on the basis of new pupils travelling to schools in Ormesby for primary provision. Therefore, on this occasion NCC Children's Services will not be seeking developer contributions. The Fire Service raises no objection subject to the provision of fire hydrants in accordance with the Building Regulations, and the Library Service require a total contribution of £11,250 to increase the capacity of the service from the development. Any off-site infrastructure payments required would be specified in a Section 106 Agreement if the local planning authority is minded approve the application.
- 5.13** Norfolk County Archaeology – The Archaeological desk-based assessment identifies the presence of widespread cropmarks of both prehistoric and medieval date and indicate that the application site does lie within an area of archaeological significance. If planning permission is granted, it is requested that this be subject to pre- development programme of archaeological work to investigate mitigate and record any assets identified.
- 5.14** Health Authority – At the time of writing this report no response has been provided. However, based on responses to other applications received for the vicinity it is anticipated that the development would be assessed as having an impact on the services of local GP practices, the James Paget University Hospital, Community and Mental Health care operating in the vicinity. In general, the authority makes an assessment based on its calculation of potential residents accommodated by the development. It is anticipated that the authority would be seeking in the order of £300,000 towards a shortfall of local practice space and hospital capacity based on increased demand.

Consultation - Internal GYBC

- 5.15** Housing – Advise that the site is within the Northern Rural sub-market area wherein a 20% affordable housing contribution is normally sought. In this case 30 dwellings would be anticipated and secured through a Section 106 planning agreement. In this case the submitted information states that 50% (75 houses) are intended to be affordable. If the applicant is requested to contact the service before submitting a planning application for reserved

matters to ensure the mix and tenure split meet the borough's affordable housing needs.

- 5.16** Environmental Health – No comment received
- 5.17** Trees - The Tree officer raises no objection. It is noted that portions of a hedge and tree belt would need to be protected during the development process, though the illustrative layout show that they would not be located in areas of the site to be developed.
- 5.18** Strategic Planning - At present, the Council is able to demonstrate a 6.51 year supply of deliverable housing sites. Since December 2020 the Core Strategy has been over five years old therefore in accordance with national policy, the currently adopted housing requirement in the Core Strategy is considered to be out-of-date. Instead, paragraph 73 of the NPPF requires the five-year supply to be assessed on the basis of the local housing need (LHN) calculated using the national standard methodology set out in the NPPG. Under this, the housing requirement for the five-year supply is 2,142 as opposed to 3,367. The Council's 2020 Five-Year Housing Land Supply Position Statement indicates a supply of 2,797 homes over the five-year period (2020-2025). Therefore, against this updated local housing need target, the Borough Council has a demonstrable five-year supply.
- 5.19** As part of the examination process in to the emerging Local Plan Part 2, the Borough Council has prepared an updated five year supply position which demonstrates that on adoption of the Local Plan the Borough Council will have a five year supply of housing land (Document C6.1 in the Local Plan examination library). This indicates that on adoption the supply will be equivalent of 7.40 years supply. Even without contributions from the proposed allocations, the supply will still be in excess of 5 years.
- 5.20** The proposal falls within affordable housing sub-market area 1. Policy CS4 indicates that this would require a minimum on-site contribution of 20% affordable homes, or approximately 30 dwellings on this proposed site. The planning application indicates that up to 75 units (50%) affordable homes would be provided. This is a significant uplift on current policy requirements, and whilst welcomed there is no evidence accompanying the planning application to suggest that this is realistically achievable, therefore reduced weight should be given to the proposal's compliance against Policy CS4, unless further evidence is provided by the applicant.
- 5.21** The site falls within landscape character area G3 'Ormesby and Filby Settled Farmland' as identified in the Landscape Character Assessment (LCA) (2008). The LCA characterises Hemsby as having an abrupt settlement edge due to the repeated phases of resort developments, enlarging the village during the 20th century. Consequently, the tranquil rural landscape character within G3 is considered to be markedly reduced at the edges of settlements, specifically Hemsby. The area is identified in the Council's Settlement Fringe Study as having high landscape capacity as a result of its low landscape sensitivity and low landscape value. Equestrian use on the site is specifically

identified in the study as a landscape detractor. The application has been accompanied with a Landscape and Visual Impact Assessment (LVIA), concluding that the impact upon landscape character would be negligible to minor adverse, reducing to negligible adverse 15 years after completion. Given the above, the principle of residential development in this location would not be considered contrary to Policy CS11 (e or l) of the Core Strategy.

- 5.22** Policies CS11 and CS12 of the Core Strategy recognise the need to protect the best and most versatile land and minimise its loss to development, unless there is an overriding sustainability benefit. Development on this site would lead to a loss of grade 1 agricultural land.

6. Assessment of Planning Considerations: Policy Considerations:

National policy

- 6.1** Paragraph 47 of National Planning Policy Framework (NPPF) states: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2** Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. This states that proposals that accord with an up-to-date development plan should be approved without delay. It goes on to state that where there are no development plan policies or the policies most important for determining the application are 'out-of-date' (for example due to a lack of a five year supply) permission should be granted unless specific policies of the NPPF provide a clear reason for refusal or the adverse impacts significantly outweigh the benefits when assessed against the NPPF. The Council can now demonstrate a five-year supply of housing and the policies discussed below can be considered up-to-date.

Local Policy – Great Yarmouth Adopted Core Strategy

- 6.3** Policy CS1 - "Focusing on a sustainable future" seeks to create sustainable communities where growth is of a scale and in a location that complements the character and supports the function of individual settlements.
- 6.4** Policy CS2 - "Achieving sustainable growth" seeks to create resilient communities. Hemsby is defined as one of the Primary Villages where 30% of new borough wide development is anticipated to be provided in the development plan period to 2030.
- 6.5** Policy CS3 - "Addressing the boroughs housing need" which identifies that 7,140 homes need to be delivered in the plan period focussing on accessible areas in line with CS2 it states in subparagraph g) that the Council and partners will seek to promote design-led housing developments with layouts and densities that appropriately reflect the characteristics of the site and

surrounding areas and make efficient use of land, in accordance with policy CS9 and CS12.

- 6.6 Policy CS4 - “Delivering affordable housing” seeks to deliver 20% affordable housing on sites greater than 5 houses within affordable housing sub-market area 1.
- 6.7 Policy CS9 “Encouraging well designed distinctive places” which encourages proposals to take inspiration from the local character, creating positive relationships with the surrounding area.
- 6.8 Policy CS10 “Safeguarding local heritage assets” which encourages proposals to conserve and enhance heritage assets.
- 6.9 Policy CS11 “Enhancing the natural environment” which encourages proposals to conserve and enhance the natural environment and biodiversity
- 6.10 Policy CS12 “Utilising natural resources” which encourages proposals to maximise energy efficiency, reduce waste and minimise the loss of the most fertile agricultural land
- 6.11 Policy CS13 “Protecting areas at risk of flooding” which seeks to safeguard that proposals not to increase flood risk elsewhere and to incorporate SuDs
- 6.12 Policy CS14 “Securing essential new infrastructure” which seeks to ensure that proposals contribute suitably to the provision of infrastructure
- 6.13 Policy CS15 “Providing and protecting community assets and green infrastructure” which encourages proposals to provide good access to a range of community facilities including play and open space
- 6.14 Policy CS16 “Improving accessibility and transport” seeks to make best use of existing transport infrastructure and promotion of sustainable forms of travel by directing development to locations towards the most sustainable locations

Saved Policies of 2001 Borough Wide Local Plan

- 6.15 Policy HOU7 “New residential development” provides a presumption in favour of development within settlement boundaries where proposals would not be significantly detrimental to the form character and setting of the settlement, public utilities are available, suitable access can be made, there is an adequate range of public transport, community education, open space, play space and social facilities available in the settlement or where lacking can be provided for at the developers expense
- 6.16 Policy HOU10 “New dwellings in the countryside” states permission for new dwellings in the countryside will only be given if required in connection with agriculture, forestry, organised recreation, or the expansion of existing institutions.

The Emergent Local Plan - Local Plan Part 2

- 6.17** This has unresolved representations and carries less weight unless or until the Local Plan Part 2 is adopted in the Spring/Summer of 2021.
- 6.18** Policy GSP1: "Development Limits" states "development will be supported in principle within the Development Limits except where specific policies in the Local Plan indicate otherwise.
- 6.19** Policy UCS3: "Adjustment to Core Strategy Housing Target" recognises that the housing requirement over the plan period needs to be reduced to reflect the objectively assessed need as updates from 7140 units to 5303 new dwellings.
- 6.20** Policy H13 "Housing Supply and Delivery". This policy has no unresolved objections so carries more weight. It states

"Outline planning applications for major housing development should provide evidence on how the site will be delivered to give confidence that completions can occur within five years of consent.

In the event that the Council is unable to demonstrate a five-year supply of housing, consideration will be given to applying a shorter than standard time limit to outline applications for major housing development to encourage prompt delivery."

7. Local Finance Considerations:

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. It is noted that the Borough of Great Yarmouth does not have the Community Infrastructure Levy. 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. It is assessed that financial gain does not play a part in the recommendation for the determination of this application.

8. Shadow Habitats Regulation Assessment

- 8.1** The site lies more than 400 but less than 2.5Km from an internationally protected wildlife site. The applicant submitted a Shadow Habitat Regulations Assessment (HRA). The applicant has clarified the size of the site including the proposed open space provisions. Further, the applicant has been asked to include an assessment of the impact on the Breydon Water SPA. Without amendment the assessment as submitted cannot be agreed as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.

9. Concluding Assessment

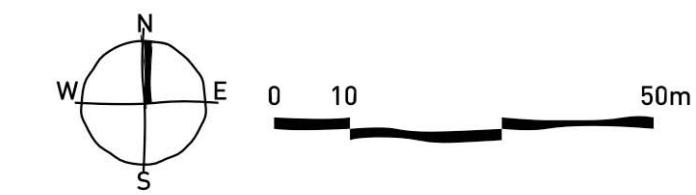
- 9.1 Sustainable Development:** The borough Core Strategy seeks to support sustainable development, which is environmentally, economically and socially beneficial. In this the borough has planned and identified more than enough residential developments sites to meet its obligations for then designated plan period.
- 9.2** The site lies outside of the Hemsby Development Boundary in the adopted local plan where new residential development will only be permitted in exceptional situations. With a resident population of approximately 3,000 Hemsby is identified in policy CS2 of the Core Strategy as a Primary Village settlement with a small range of services and opportunities for employment, retail and education. It serves a limited local catchment and contains a lower level of access to public transport. In this case the site is located on a road having bus service it is within walking distance of the primary school, doctors' surgery, small supermarket and post office located in the village centre.
- 9.3** Norfolk County Council have advised that Hemsby Primary School will likely be at capacity as a result of development of this site and other sites within the vicinity. Norfolk County Council advise that Hemsby Primary School cannot be expanded on its existing site to accommodate new pupils arising from the developments. As a result, it is likely that new pupils arising from this development may have to travel to schools in Ormesby. This reduces the sustainability of this location for further development.
- 9.4** Whilst it may be argued the site is in a reasonably sustainable location, it is not necessary to develop the property contrary to the Development Plan. It is considered that to do so is not economically, socially or environmentally beneficial at this time. A major residential site has been allocated in the emerging Local Plan for 190 dwellings at the former Pontins Holiday Centre. That site has planning permission and can be delivered in a 5- year timescale.
- 9.5 Housing supply and delivery** – The National Planning Policy Framework puts significant weight on the deliverability of housing developments and requires local planning authorities to identify a five-year supply of deliverable sites. Where a five year supply cannot be demonstrated the NPPF states that

policies in the development plan, including those which are most important for determining applications, are treated as being out-of-date meaning that speculative applications for housing developments could be permitted where they would usually be contrary to development plan. In this case as of December 2020 the Borough has a supply of 6.71 years so the development is not needed.

- 9.6 Natural Resources and Agricultural Land:** Policy CS11 seeks to safeguard and enhance the natural environment. The development of 150 houses would add undue recreational pressure on vulnerable habitat sites protected for conservation. The policy seeks to protect high quality agricultural land. The larger part of the site is designated Grade 1 agricultural land. Policy CS12 also seeks to protect the best and most versatile agricultural land as a valuable resource for future generations. Given a sufficient housing supply is deliverable elsewhere in the borough including in Hemsby, it is not necessary to sterilise this current asset.
- 9.7 Services** - Studies and assessments will likely show that by means of appropriate engineering and technical solutions, development can be serviced at the site. However, it is not necessary to do so at this time. The development of the site is premature to the need of the community. It is not necessary to add additional pressure on local schools or health care facilities.
- 9.8 Primary Holiday Area** – Hemsby is a primary holiday destination in the borough, it is not necessary to develop the site with the associated disturbance to residents and visitors. Visitors are the main driver of the local economy.
- 9.9 Affordable Housing** - Information submitted with the application states it is the applicant's intention to provide 50% affordable housing (75 houses) in the development. However, no evidence is provided of how that can be achieved or is viable in relation to the costs of providing infrastructure, roads, utilities, surface water drainage, sewers, without which little weight should be given.
- 9.10** In the case of any planning permission the subject of a Section 106 agreement, a monitoring fee of £500 per obligation shall be required to be paid by the applicant as a requirement of the agreement.
- 10. RECOMMENDATION: -**
- 10.1** In this case the site adjoins but is beyond the existing built up settlement limits, it is of a rural character supporting an equestrian use that could normally be anticipated in a countryside location. The village has a range of services, including a doctor's surgery and a primary school. The site is with half a mile of the village centre and a bus stop is located at the northern end of the site. The adopted Core Strategy seeks to provide approximately 30% of the boroughs housing requirement in primary settlements such as Hemsby and has allocated a site for 190 houses to the north at the former Pontins Holiday Centre, planning permission has also been granted for that site.

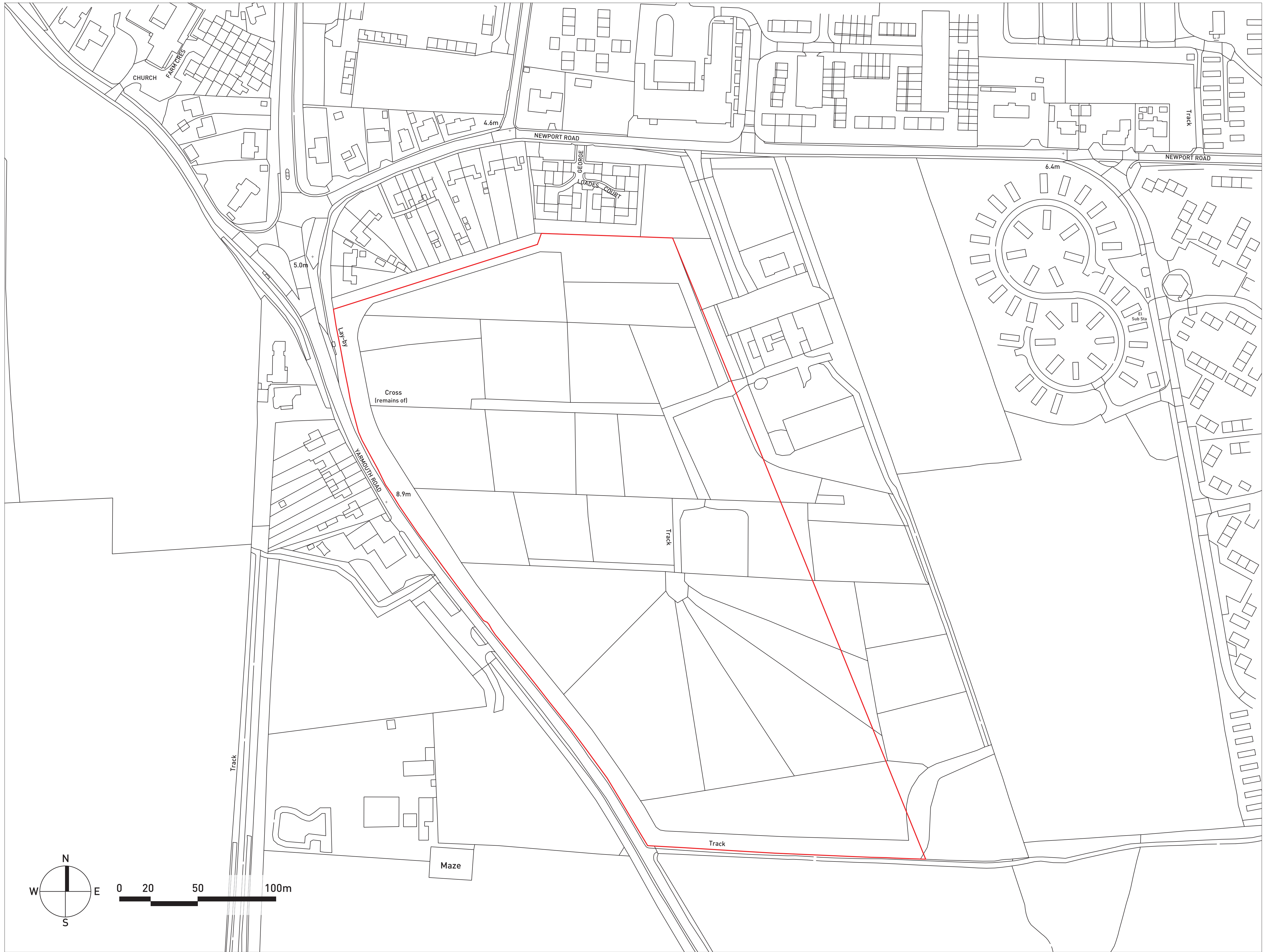
- 10.2** In accordance with central government planning policy, the Council has an obligation to be able to demonstrate a 5-year Housing supply. As of December 2020, the Council can demonstrate a supply of 6.71 years. The housing requirement for borough can be met and exceeded by the number of deliverable dwellings from existing planning permissions and from those allocations in the emerging Local Plan Part 2. No information has been submitted with this application to demonstrate the deliverability of the housing proposed within a 5-year period. No information has been provided as to how 50% of the housing would be affordable. Further, at time of writing this report the applicant has not provided sufficient evidence to rule out significant effect from associated recreation on protected habitats. The proposal involves the permanent development of grade 1 agricultural land. Accordingly, it is considered that the development of the site would be an unwarranted intrusion in the countryside and place additional recreational pressure on protected habitats. It is recommended that the application is refused as being contrary to the Development Plan
- 10.3** The proposal is contrary to saved Policy HOU10 of and the Great Yarmouth Borough-wide Local Plan (2001) (LP), also Policies CS1, CS11 and CS12 of the Great Yarmouth Local Plan: Core Strategy and Policies GSP1 and H13 of the Great Yarmouth Local Plan, Part 2.

Background Papers 06/20/0562/O



HIGHFIELD EQUESTRIAN CENTRE - ILLUSTRATIVE MASTERPLAN

Pegasus
Design



HIGHFIELD EQUESTRIAN CENTRE - SITE LOCATION PLAN

