

Reference: 06/21/0951/F

Parish: Hemsby

Officer: Gordon Sutherland

Expiry Date: 14-02-22

Applicant: Mr G Avery

Proposal: Proposal to vary Condition 4 of planning permission 06/20/0422/F to allow occupation of the holiday accommodation units all year round

Site: Former Pontins Holiday Centre, Beach Road, Hemsby, NR29 4HJ

REPORT

1. Background

- 1.1 This site is 8.85 hectares (21.87 acres) the former Pontins Holiday Centre, Hemsby. It is located between south of Beach Road, west of Back Market Lane, north of Newport Road and east of Kingsway. It is joined to the west, north and south by housing and to the east by the Florida Holiday Park and the Bermuda Holiday Park.
- 1.2 The site was included as an allocation (within the development boundary for Hemsby) in Council's Local Plan Part 2 (Policy HY1) adopted in December 2021. The policy was designed to facilitate regeneration of the site with a mix of uses including the retention of holiday accommodation at the site.
- 1.3 The former holiday centre closed in 2009. Until 2020 the former holiday apartments and other buildings and structures were vacant and in a derelict condition and subject to continuing vandalism and arson.
- 1.4 After two other applications to redevelop the site, planning permission ref 06/20/0422/F was granted for a mixed-use scheme comprised of 188 no. dwellings and 88 no. holiday chalets or lodges to let, following partial demolitions, new shop, leisure centre with a gym and spa, cafe and communal areas with associated highways works. Permission was granted on 06th July 2021, subject to conditions and subject to planning obligations within a Section 106 agreement dated 05 July 2021.
- 1.5 Permission 06/20/0422/F currently allows for the former holiday apartment blocks at the northern end and western edge of the site toward Beach Road to be renovated into use as 53 no. holiday lets, and the northern area included land for the provision of 35 no. holiday lodges. The units on the southern part

of the site are to be renovated for market housing, and in between in the centre of the site is the area for the leisure centre (inc. swimming pool, gym) and shop(s).

- 1.6 Works to retrofit the former holiday blocks and implement the permission 06/20/0422/F commenced in 2020. A block at the northern end of the site has been fitted out as “show units”. Works are currently underway on several blocks located at the southern end of the site. A “show” holiday lodge has also been sited at the northern end of the site adjacent to the sales office. The current focus of the development is on sales of the market housing units in order to generate the cash flow needed to facilitate provision of the other elements of the development including the leisure centre.
- 1.7 Members will recall from the Committee meeting on February 17, 2021 that when planning permission was given the applicant’s case for requesting relief from the provision of some elements of anticipated community infrastructure (planning obligations) was accepted, the case being that the viability / profitability of the development was marginal. It is also noted that the development is being undertaken during challenging trading conditions.
- 1.8 It has only recently come to light that the initial submission of application 06/20/0422/F proposed 91 no. units of holiday accommodation, but when the revised proposals reduced the scheme to 88 no. units of holiday accommodation unfortunately the description of the development was not updated to match, so the decision notice was issued with an outdated description of proposed development. The 88 are definitive on the approved revised Masterplan P.03 Rev E and conditions within the permission require the development to be undertaken in accordance with the same masterplan, so only 88 are allowed within the permission.
- 1.9 As such, Officers have approached the applicant for their agreement to amend the description of development approved by permission 06/20/0422/F and re-issue that decision notice, to remove the current discrepancy and confirm that the development approved by permission 06/20/0422/F is:

“Mixed use scheme comprised of 188 no. dwellings and 88 no. holiday lodges to let following partial demolitions, new shop, leisure centre with a gym and spa, cafe and communal areas with associated highways works.”

2. Relevant Planning History

- 2.1 There have been numerous planning applications over the past years on the site related to its holiday use.
- 2.2 06/11/0208/O - Redevelopment of the site for a 60 bed Care Home and up to 191 houses, together with associated open space and infrastructure. Withdrawn

- 2.3 06/15/0441/O - Demolition of Existing buildings and Re-development of the site for up to 190 dwellings, Retail Development and Holiday Accommodation, together with associated open space, landscaping and infrastructure. Approved subject to conditions and subject to a Section 106 agreement dated 25 February 2020
- 2.4 06/20/0422/F - Mixed use scheme comprised of 188 no. dwellings and 88 no. holiday lodges to let following partial demolitions, new shop, leisure centre with a gym and spa, cafe and communal areas with associated highways works. Approved on 06th July 2021, subject to conditions and subject to a Section 106 agreement dated 05th July 2021.
- 2.5 06/21/0729/CD - Discharge of Conditions for pp. 06/20/0422/F; 9 - Highway improvements; 13 - On-site parking details for construction works; 14 - Construction traffic management plan; 16 - Interim Travel Plan; 18 - Bird, Bat & Swift boxes details; 19 - Surface water drainage scheme; 21 - Phase 2 Site Investigation (Contamination) and 25 - Boundary treatment details - Pending Consideration.
- 2.6 06/21/0904/CD - Discharge of conditions 6, 7 & 12 of pp. 06/20/0422/F Condition 6: External Louvres; Condition 7: Management and maintenance of site; Condition 12: Cycle Parking Details- Pending Consideration.

3. The Proposal:

- 3.1 The proposal within this application is to vary Condition 4 of pp.06/20/0422/F to allow occupation of the holiday and caravan units all year round
- 3.2 Condition 4 of the planning permission 06/20/0422/F is currently as follows:

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

The reason for the condition is:-

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

- 3.3 The effect of such a change would be that all 88 chalets and holiday lodges shown on approved masterplan P.03 rev E would no longer be subject to the requirements of condition 4, and so would not be required to be vacated for the final 17 days of January in any year.
- 3.4 The applicant advises that *“the principal reason for the variation of condition is that it has become apparent that prospective purchasers are being discouraged by the occupancy condition placed on the consent. Mortgage lenders are not encouraged to provide funds when such conditions are in place.”*

- 3.5 The applicant makes reference to where occupancy restrictions have been modified elsewhere and has provided the following case for the variation of the condition:

Applicant statements:

1. On the first point of maintenance, the chalets and lodges are constructed to a very high modern standard, with double glazed windows, heating and high standards of insulation. It is contended that maintenance is more of an issue with less permanent structures, where normal wear and tear take more of a toll on these than on a permanent building. Any maintenance requirements can be allowed for at any point in the year in a more natural break between lets rather than in a prescribed period which often has poor weather.
2. On the second point with regards the Local Planning Authority retaining control over the use of the units for holiday accommodation, it is considered that condition 3 of the approval covers this point sufficiently. It states the following:

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

“The reason for the condition is: To enable the Local Planning Authority to retain control over the use of the caravans for holiday accommodation”

Given that condition 3 already allows the LPA to control the holiday let use, it is difficult to understand the requirement of a further condition (in this case condition 4) to control this use further.

3. In addition, the approved masterplan (plan P.03 rev E) clearly outlines the units for holiday let use and the units for residential use. All holiday units will be accessed from the existing Beach Road entry to the site, whereas all market housing and community buildings will be accessed via the new road junctions off Kings Way. Therefore, this should not cause any confusion amongst owners and provides clarity for the LPA when controlling the holiday let element.
4. The on-site holiday accommodation, identified on the approved masterplan (plan P.03 rev E), will remain for holiday let use only.
5. The people using the holiday let accommodation will have access to local leisure and retail facilities on site all year round. This is not always the case on other sites in the area where occupancy restrictions have been eased.
6. A further contributory factor is the ongoing effects of the Covid-19 pandemic. It is recognised that staycations are increasing in popularity due to travel restrictions and that demand is likely to continue, even outside the traditional holiday periods

3.6 The assessment of the above proposal and the case made by the applicant is discussed later in this report

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

4.1 Hemsby Parish Council – Objection.

The Parish Council objects to the proposal and consider that the occupancy should be restricted to 11 months used as holiday accommodation, that the units should not be used as principle residences in order to protect the character and uniqueness of the village.

4.2 Neighbours / Public –

At the time of writing three representations have been received from members of the public. 1 letter considers that to remove condition 4 would allow further applications to be made in regards to holiday lets and allows families or people to stay permanently in this location which is not acceptable.

4.3 2 letters are from the occupants of property at Homestead Gardens adjoining the site in the NE, and both refer to overlooking and that a condition was attached to provide louvres on the units overlooking their property (NB this would continue to be required). 1 considers that occupation should not be permanent but be restricted to 10months in the year. 1 advises the nearest holiday block is 30 feet from their property which affects the privacy enjoyed and would be impacted by year-round occupation.

4.4 One representation is also concerned about a precedent being set; the writer considers that virtually all holiday accommodation in Hemsby is restricted to prevent year-round occupation and prevent property becoming second homes. It estimates there are 20,000 bedspaces in the Parish and 4,000 holiday caravans and imagines a flood of applications to allow year-round permission occupation as it is contended that the value of property with year-round permission is considerably higher than with seasonal permission, further that materially the implications of this application to the Holiday Industry could have serious long term economic effects.

Consultations –

4.5 **Highways** – The Highways Authority consider the proposal would not unacceptably affect operation of the highway; and do not therefore raise an objection.

4.6 **Environmental Health** – The Environmental Health Officer advises that since the proposal is for chalets and lodges that have been upgraded with sufficient insulation measures for use all year round, then Environmental Services would have no comments regarding this proposed variation.

5.

Relevant Planning Policy

Planning law at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Whilst the Council has an up-to-date development plan and 5-year-housing land supply the National Planning Policy Framework remains a material consideration but the development plan retains primacy.

- 5.1 Paragraph 47 of National Planning Policy Framework (NPPF) also states: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Adopted Core Strategy 2013-2030

- 5.2 Great Yarmouth Borough adopted Local Plan Policy CS8 “Promoting tourism, leisure and culture” states *“As one of the top coastal tourist destinations in the UK, the successfulness of tourism in the Borough of Great Yarmouth benefits not only the local economy but also the wider sub-regional economy as well. To ensure the tourism sector remains strong, the Council and its partners will.*

a) Encourage and support the upgrading, expansion and enhancement of existing visitor accommodation and attractions to meet changes in consumer demands and encourage year-round tourism”

Local Plan Part 2 adopted December 2020

- 5.3 Policy HY1 “Land at the former Pontins Holiday Camp, Hemsby” (of around 8.9 hectares) as identified on the Policies Map, is allocated for approximately 190 dwellings together with tourism and retail facilities.
- 5.4 Policy L1 Holiday Accommodation Areas – Given the objections received to the application concern the impact on holiday accommodation the full policy is set out below:

Within the ‘Holiday Accommodation Areas’, as defined on the Policies Map, the Council principally aims to:

- a. encourage year-round, sustainable tourism;*
- b. support proposals which upgrade or enhance existing or replacement visitor accommodation and ancillary tourist facilities;*
- c. resist the loss of tourism uses to non-tourism uses; and*
- d. maintain and improve the public realm and the area’s open spaces.*

In order to achieve those aims, the following tourist uses will be generally encouraged within the Holiday Accommodation Areas, subject to consideration

of compatibility with the existing surrounding uses and the potential impacts on the landscape and character of the immediate local area;

e. Hotels.

f. Camping and caravan pitches.

g. Self-catering accommodation.

h. Bed and Breakfast establishments where the owner is resident on the premises and the clients wholly or predominantly there for short term holiday accommodation.

i. Food and drink uses.

j. Holiday entertainment.

k. Visitor attractions.

l. Amusement arcades.

m. Small-scale retail units appropriate to serving the needs of the holiday accommodation.

The loss of holiday accommodation within Holiday Accommodation Areas to alternative uses will only be acceptable in specific circumstances where the current use is demonstrated to be unviable due to:

n. vacancy of the accommodation of at least a one year period; and

o. marketing of the site for tourist accommodation or an alternative tourist use for at least a one year period; or

p. the viability of an alternative tourist-related use of the site.

5.5 The supporting text paragraph 9.3 accompanying the above policy states that: *“Accommodation within Holiday Accommodation Areas will be maintained for visitor use. Additional permanent residential development within these areas will not be permitted. Permitted new or expanded holiday accommodation will be conditioned to restrict permanent residential occupancy.”*

5.6 Policy A1: Amenity seeks to guard against excessive or unreasonable impact on the amenities of occupiers of existing and anticipated development in terms of:

a. overlooking and loss of privacy;

b. loss of light and overshadowing and flickering shadow;

c. building and structures that will be overbearing;

d. nuisance and disturbance from:

• waste and clutter • intrusive lighting • visual movement • noise • poor air quality (including odours and dust); and • vibration.

Where adverse impacts on amenity are an inevitable consequence of an otherwise desirable use and configuration, measures to mitigate unacceptable impacts will be expected to be incorporated in the development.

6. 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.

7. Assessment of Planning Considerations:

7.1 The key considerations in this case are of:

- amenity of adjoining occupiers,
- restriction of use to holiday accommodation,
- need to control maintenance of the holiday units, and
- precedent for other sites with time limits on occupation.

7.2 Planning law has established that granting permission to applications to vary or remove conditions on extant planning permission have the effect of creating a new stand-alone permission to replace, or be used alongside, the original permission.

7.3 It is also established practice that there are no grounds to re-consider other elements of the original permission which are not the subject of the application to remove or amend conditions – unless there are material considerations that have arisen in the intervening period since the permission was granted, which would cause the operative effect of the permission to be amended to such an extent that it fails to comply with the development plan. It is not possible to add additional / unrelated restrictions on the permission unless such material considerations require intervention, or unless in agreement with the applicant.

7.4 However, where a development is subject to a Section 106 Agreement, any new permission will need to be subject to the prior completion of a Deed of Variation agreement under Section 106 A of the Town and Country planning Act, unless the original agreement makes suitable provision to that effect.

Principle of development –

7.5 The principle of development remains unaffected by the proposal; permission was granted whilst the Local Plan Part 2 was a significant material consideration, was largely in accordance with that emerging policy HY1 at the time, and the effect of the variation proposed to the extant does not materially alter the effect of other policies brought to relevance by the adoption of the Local Plan Part 2 in the intervening period.

7.6 So long as there remains other controls in place, or newly added, to ensure that the holiday accommodation remains as holiday uses, then the principle of

development remains acceptable notwithstanding the proposed removal of Condition 4.

Amenity of adjoining occupiers –

- 7.7 The established use at the northern part of the site is for holiday accommodation, and the physical position of the accommodation is not altered by this application. Planning Permission was granted for occupation excepting the period from 14th January to 1st February. The objectors concerns regarding overlooking (from the approved Block E on Masterplan P.03 rev E) were addressed in planning permission 06/20/0422/F which includes provision in Condition 6 that the development be undertaken in accordance with the approved listed plans, and includes the requirement that *“b) external louvres shall be fitted to the first floor west facing windows on Block E to ensure the privacy of the occupants of the adjoining dwellings, details of the louvres shall be submitted to and agreed in writing by the local planning authority prior to the first occupation of Block E”*.
- 7.8 It is not considered that the removal of condition 4 allowing for the increase of occupation of the holiday accommodation from 50 weeks in the year to 52 weeks will have a significantly worse adverse impact on the amenity of any of the adjoining dwellings, and the louvres will still be required on Block E.

Restriction of use to holiday accommodation –

- 7.9 Condition 3 of planning permission 06/20/0422/F, requires that:

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

The reason for the condition is:-

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

- 7.10 Condition 5 of the same planning permission states that:

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

The reason for the condition is:-

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

- 7.11 These conditions would remain substantively the same on any new permission granted. It is therefore considered that the permission for the development otherwise still restricts and controls the use of the holiday chalets and lodges (notwithstanding that they are described as caravans) and will be able to ensure that the use of the holiday accommodation will remain for that same originally-intended purpose.

7.12 Need to control maintenance of the holiday accommodation -

The reason for imposing Condition 4 in the first place was given as:

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

- 7.13 The applicant has stripped back the former units back to their concrete shell and is retro fitting the holiday accommodation to a high specification, to the same standard of accommodation as the dwelling units. Flat roofs are being replaced with pitched roofs, walls insulated and clad and will need to meet the requirements of the Building Regulations.
- 7.14 A “show” holiday lodge has been sited adjacent the sales office, having a brick surround and sun deck. The unit is finished and fully fitted out to a high specification which is difficult to distinguish from a new built home, which displays a high standard of construction seemingly with minimal need for continued maintenance on such a frequent basis as to require annual renovations within a specific 2.5 week period.
- 7.15 It is considered that the applicant has demonstrated clear intent for the standard of the development to be provided and that a two-week period is not necessary or reasonable to be required to ensure maintenance of the holiday accommodation. The primary reason for imposing the condition is therefore now seen to be unnecessary, whilst the secondary requirement, the requirement to retain control over the use of the holiday lodges, is already in place by virtue of the other conditions described above.

Precedent for other sites having time limits on occupation in Hemsby-

- 7.16 It is not considered that removal of Condition 4 will set a precedent for other sites, because as stated each application is judged on its merits. In this case the redevelopment of the site was also facilitated by site specific policy HY1 which facilitates the regeneration of the site and brought it into the village’s revised development boundary. Policy CS8 “Promoting tourism, leisure and recreation”, specifically encourages year-round tourism where compatible.
- 7.17 The majority of holiday accommodation in Hemsby is located outside of the development boundary and is governed by Local Plan Part 2 policy L1 Holiday Accommodation Areas, which reinforces CS8 and encourages year-round tourism; it states that:

“Within the ‘Holiday Accommodation Areas’, as defined on the Policies Map, the Council principally aims to:

- a. encourage year-round, sustainable tourism;*
- b. support proposals which upgrade or enhance existing or replacement visitor accommodation and ancillary tourist facilities;*
- c. resist the loss of tourism uses to non-tourism uses; and*
- d. maintain and improve the public realm and the area’s open spaces.”*

7.18 The policy goes on to specify what uses will be encouraged within the defined Holiday Accommodation Areas, subject to consideration of compatibility with the existing surrounding uses and the potential impacts on the landscape and character of the immediate local area.

7.19 It is considered that the adopted development plan, comprising Core Strategy and Local Plan Part 2, is generally encouraging of year-round tourism and would resist the loss of holiday accommodation.

Section 106 Agreement –

- 7.20 The planning obligations required by the proposed development are set out within the Section 106 Agreement linked to the original permission and dated 05 July 2021. The obligations are currently:
- Financial contributions to Natura 2000 sites (habitat protections).
 - Open space and children’s recreation areas to be provided on site in the first instance, or financial contributions in lieu if not provided entirely.
 - Provision of the leisure and recreation centre on site in a timely fashion,
 - Provision of sustainable drainage on site and management thereof.
 - Specifications for the holiday use accommodation to be agreed, including the layout, landscaping and design of the lodges in that area.
 - Library service financial contributions.
 - Norfolk County Council planning obligations monitoring fee.
 - Travel Plan requirements relating to the scheme’s residential dwellings.

None of the above provisions are affected by this application to remove Condition 4, but if the application is approved the Section 106 Agreement will need to be varied to ensure the obligations also apply to the new permission.

8. Conclusion

- 8.1 In considering whether Condition 4 should be removed it is necessary to ensure there are other adequate controls in place to ensure the holiday accommodation remains as holiday accommodation. Planning Condition 3 requires that the holiday units be used to provide holiday accommodation only and not be used as permanent unrestricted accommodation or as a primary place of residence. Condition 5 requires that the owners/operators of the holiday park shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority. The control is clearly in place to continue to restrict the use of the holiday accommodation.

- 8.2 The holiday units are demonstrably being finished to a high specification, a management company will be established to manage the holiday lets and the leisure centre. Adopted planning policy seeks to encourage year-round tourism and in this case it is not considered necessary to require that the holiday accommodation is closed for a specific period of time each year to undertake maintenance.

9. RECOMMENDATION: -

The proposal complies with the aims of Policy CS8, of the Great Yarmouth Local Plan Core Strategy and policies A1, and HY1 of the adopted Local Plan Part 2, and the recommendation is to:

Approve application 06/21/0915/F to vary original planning permission 06/20/0422/F by removing the original condition 4, **subject to:**

(i) Suitable arrangements first being made for the existing Section 106 Agreement to also apply to this permission; and,

(ii) subject to the following conditions reinstated from 06/20/0422/F:

[Ex condition 1 of 06/20/0422/F is removed – the condition required commencement by July 2024 but the permission is already implemented]

1. *[Ex condition 2] For each dwellinghouse – remove permitted development rights to enlarge or alter (under Class A). NB – This condition is to be amended to include any other permitted development rights subsequently introduced which might have the same effect as that intended to be removed, e.g. sub class AA re vertical storey extensions.*
2. *[Ex condition 3] Holiday units to be restricted to holiday use only. NB – This condition is to be amended to clarify the wording of the units the subject of this restriction.*

[Ex condition 4 is removed by this application].

3. *[Ex condition 5] The operators of the holiday park shall maintain a register of the owners/occupiers/users of the holiday accommodation units. NB This condition is to be amended to clarify the wording of the units the subject of this restriction.*
4. *[Ex condition 6] The development shall be undertaken in accordance with the approved plans from 06/20/0422/F. NB – This condition is to be amended to clarify the wording around the requirements for Block E and the submission of details within 06/21/0904/CD.*

5. [Ex condition 7] No occupation until street management details are agreed / or in accordance with details to be approved under current application 06/21/0904/CD.
6. [Ex condition 8] Access into the site to be limited to the junctions shown on the approved masterplan. *NB – This condition needs to be varied to clarify that the access plans do need updating as per extant condition 8.*
7. [Ex condition 9] Off-site highways works to be agreed / or in accordance with details to be approved under current application 06/21/0729/D.
8. [Ex condition 10] Visibility splays to be provided to the specific plans.
9. [Ex condition 11] Provide access & parking etc prior to occupation.
10. [Ex condition 12] No occupation until cycle parking details are agreed / or in accordance with details to be approved under current application 06/21/0904/CD.
11. [Ex condition 13] No development of the residential dwellings shall commence until construction worker parking details are agreed / or in accordance with details to be approved under current application 06/21/0729/CD.
12. [Ex condition 14] No occupation until construction traffic management plan details are agreed / or in accordance with details to be approved under current application 06/21/0729/CD.
13. [Ex condition 15] During construction, all construction traffic shall adhere to construction traffic management plan and use a specific access route.
14. [Ex condition 16] Details of the Interim Travel Plan to be agreed / or in accordance with details to be approved under current application 06/21/0729/CD.
15. [Ex condition 17] No occupation until the Interim Travel Plan is implemented, and a Full Travel Plan shall be agreed within 12 months.
16. [Ex condition 18] Details of bird boxes, swift boxes, bat boxes to be agreed / or in accordance with details to be approved under current application 06/21/0729/CD, and provided, and hedgehog gaps too.
17. [Ex condition 19] Surface Water drainage scheme details to be agreed / or in accordance with details to be approved under current application 06/21/0729/CD.
18. [Ex condition 20] Archaeological method statement to be agreed – *NOTE – these details needed to be provided prior to commencement of development and do not appear to have been submitted for consideration as yet (in either 06/21/0729/CD or 06/21/0904/CD).*

19. [Ex condition 21] Contamination remediation works to be agreed / or in accordance with details to be approved under current application 06/21/0729/CD.
20. [Ex condition 22] Contamination precautions during construction.
21. [Ex condition 23] Fire hydrant details to be agreed and provided – NOTE – *these details do not appear to have been submitted for consideration as yet (in either 06/21/0729/CD or 06/21/0904/CD).*
22. [Ex condition 24] Construction hours limited to 0730 – 1800 Mon-Fri, 0800 – 1330 Sat. No work to be undertaken on Sun / Bank / Public hols.
23. [Ex condition 25] Boundary treatment details to be agreed / or in accordance with details to be approved under current application 06/21/0729/CD.

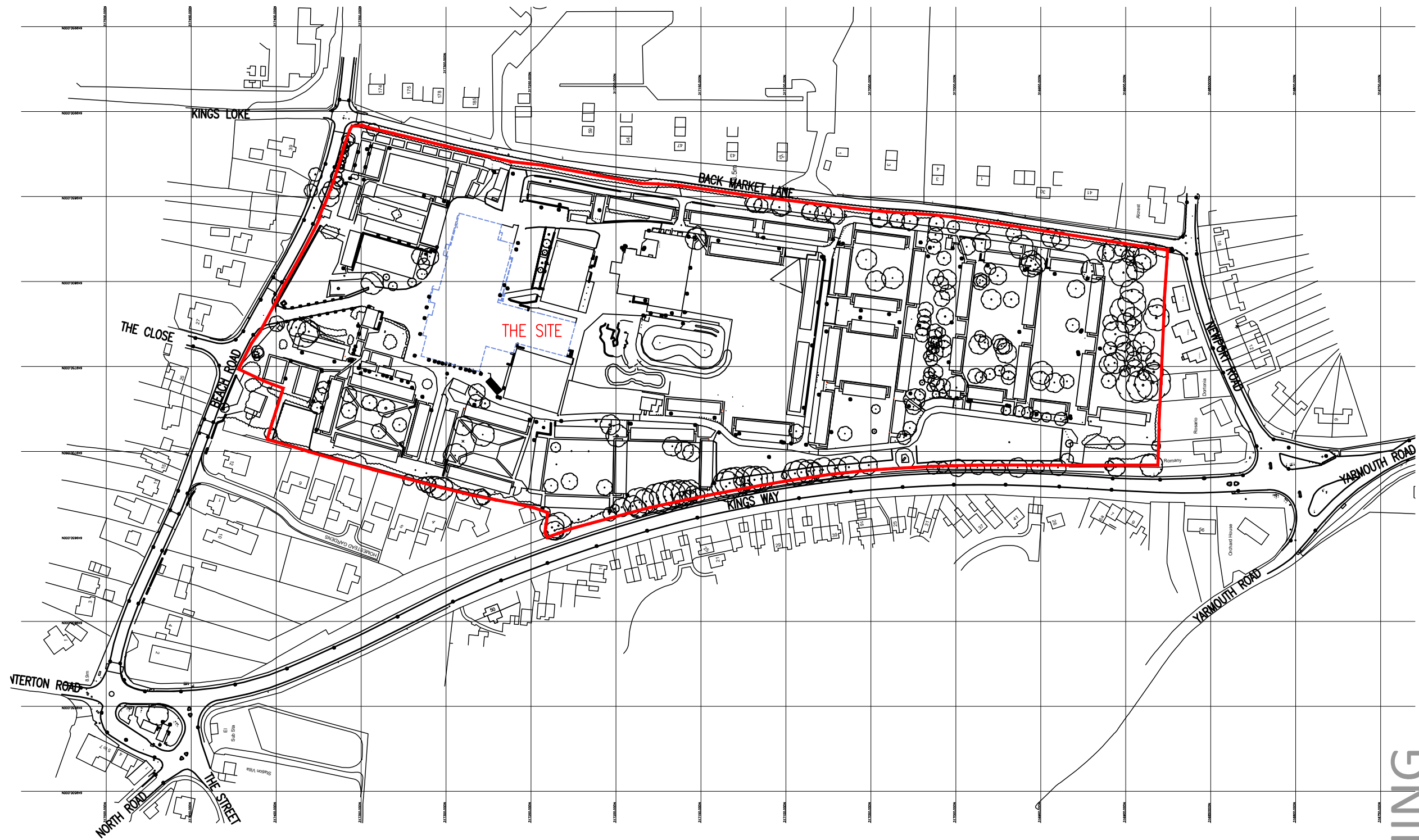
With Informative Notes 26 – 34 of permission 06/20/0422/F.

Appendices:

Appendix 1 – Site location plan

Appendix 2 – Approved site masterplan

Appendix 3 – Decision notice of permission 06/20/0422/F



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location:
**KINGS WAY, HEMSBY
FORMER PONTINS SITE**

title:
SITE LOCATION PLAN

scale @ A3:
1:2500
date:
July 2020
project no:
8164

drawn by:
CL
approved:
CL
dwg no:
P.01

revision:

PLANNING



PLANNING

THE BOROUGH OF GREAT YARMOUTH

Town and Country Planning Act 1990

PLANNING PERMISSION

Part 1 - Particulars of Application

Reference No :- **06/20/0422/F**

Submitted :- 6th August 2020

Development at :-

Former Pontins Holiday Centre
Beach Road
Hemsby
GREAT YARMOUTH

Agent :-

Mr S Henry
Parker Planning Services Ltd
Orchard House Hall Lane
East Tuddenham
DEREHAM NR20 3LR

For :-

Proposed application for Mixed use scheme comprised of 188 no. dwellings and 91 no. holiday lodges to let following partial demolitions, new shop, leisure centre with a gym and spa, cafe and communal areas with associated highways works

Applicant :-

Mr G Avery
c/o Parker Planning Services Ltd
Orchard House Hall Lane
East Tuddenham
DEREHAM NR20 3LR

Part 2 - Particulars of Decision

The Great Yarmouth Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act, 1990 that permission has been granted for the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

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

The reason for the condition is :-

Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

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

The reason for the condition is:-

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

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

The reason for the condition is:-

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

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

The reason for the condition is:-

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

6. The development shall be carried out in accordance with the following documents and drawing numbers listed below except as modified by a) conditions 7,8 & 9 below and b) external louvres shall be fitted to the first floor west facing windows on Block E to ensure the privacy of the occupants of the adjoining dwellings, details of the louvres shall be submitted to and agreed in writing by the local planning authority prior to the first occupation of Block E;

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

8164 P.03E Proposed Masterplan,

8164 P.04C Proposed Masterplan Development Areas

8164 P.05D Proposed Masterplan Accommodation Plan

8164 P.06A Proposed Convenience Store

8164 P.07 Proposed Retail Store

8164 P.08 Proposed Leisure Complex Plans_Elevations

8164 P.10 Proposed Welcome Centre Plans_Elevations

8164 P.11F Proposed Block A1

8164 P.12A Proposed Block A2

8164 P.13A Proposed Block B

8164 P.14A Proposed Block C1

8164 P.15A Proposed Block C2

8164 P.16A Proposed Block C3

8164 P.17A Proposed Block C4

8164 P.18A Proposed Block D1

8164 P.19A Proposed Block D2

8164 P.20A Proposed Block E1

8164 P.21A Proposed Block E2

8164 P.22A Proposed Block F

8164 P.23A Proposed Block G1

8164 P.24A Proposed Block G2

8164 P.25A Proposed Block H

8164 P.26A Proposed Block J

8164 P.27A Proposed Block K

8164 P.28A Proposed Block L

8164 P.29A Proposed Block M1

8164 P.30A Proposed Block M2

8164 P.31A Proposed Block N

8164 P.32A Proposed Block O

8164 P.33A Proposed Block P1

8164 P.34A Proposed Block P2

8164 P.35A Proposed Block Q1

8164 P.36A Proposed Block Q2

8164 P.37A Proposed Block R

8164 P.38A Proposed Block S

8164 P.39A Proposed Block T

8164 P.40A Proposed Block U

8164 P.47 Proposed Highway Masterplan 1 of 2

8164 P.48 Proposed Highway Masterplan 2 of 2

2042-03/101A - Main Site Access, Kings Way

2042-03/102A - Beach Road Site Access

2042-03/103A - Local Store Access with new crossing (Barleycroft)

The reason for the condition is:-

For the avoidance of doubt.

7. No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a Private Management and Maintenance Company has been established.

The reason for the condition is: -

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

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

The reason for the condition is: - In the interests of highway safety.

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

Part B. Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

The reason for the condition is: A) To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor; and B) To ensure that the highway network is adequate to cater for the development proposed.

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

The reason for the condition is :- In the interests of highway safety in accordance with the principles of the NPPF.

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

The reason for the condition is :- To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

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

The reason for the condition is: -

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

13. All parking for construction workers shall be provided on site for the duration of the development. Excepting refurbishment of the holiday lets for that purpose development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

The reason for the condition is: -

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

14. Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.

The reason for the condition is: -

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

15. For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.

The reason for the condition is: -

In the interests of maintaining highway efficiency and safety.

16. Upon commencement of construction of the development hereby permitted an Interim Travel Plan shall be submitted to and approved by the Local Planning Authority.

The reason for the condition is: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

17. No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan referred to in Part A of this condition. During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan referred to in Part A of this condition shall be submitted to and approved in writing by the Local Planning Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority as part of the annual review.

The reason for the condition is: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

18. Prior to the commencement of the development hereby approved details of no less than 10 bird boxes, 5 no. swift boxes and 10 bat boxes shall be submitted to and approved by the Local Planning Authority. The boxes shall be erected in accordance with the details approved prior to occupation of the development and shall remain in perpetuity. All boundary fencing to be erected on site shall have 20cm x20cm gaps, unless otherwise agreed with the Local Planning Authority, at each boundary point to allow the free movement of hedgehogs through the site.

Prior to the commencement of the development hereby approved details of no less than shall be submitted to and approved by the Local Planning Authority. The boxes shall be erected in accordance with the details approved prior to occupation of the development and shall remain in perpetuity. To ensure that the site allows for access for hedgehogs.

The reason for the condition is :-

To provide ecological enhancements on site in accordance with paragraph 170 of the NPPF and the documents submitted in support of the application.

19. Prior to commencement of development, in accordance with the submitted FRA (Create Consulting Ref: GS/CC/P20-2042/03 - Rev - B dated August 2020), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I Provision of surface water storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1% AEP, including allowances for climate change, flood event. A minimum storage volume of 889.7 m³ will be provided in line with paragraph 6.6 of the FRA.

II The design of infiltration will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event

III Detailed designs, modelling calculations and plans of the whole drainage conveyance network in the:

- 3.33% AEP critical rainfall event to show no above ground flooding on any part of the site.
- 1% AEP critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

IV Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

V A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

VI Flood Risk Mitigation measures are followed as proposed in Table 7.1 of the FRA in order to both mitigate flood risk posed to the development and to ensure the development poses no risk to the surrounding area.

The reason for the condition is :-

To prevent flooding in accordance with National Planning Policy Framework paragraph 163, 165 and 170 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

20. A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

and,

- B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).

and,

- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for condition: -

In accordance with National Planning Policy Framework 2019 paragraphs 199 and 189.

21. Prior to the commencement of the development a Phase 2 site investigation is to be carried out to the satisfaction of the Environmental Services Manager. If the Phase 2 site investigation determines that the ground contains contaminants at unacceptable levels then the applicant is to submit a written strategy detailing how the site is to be remediated to a standard suitable for its proposed end-use to the Environmental Services Manager. No buildings hereby permitted shall be occupied until the remediation works agreed within the scheme have been carried out to the satisfaction of the Local Planning Authority.

The reason for the condition is :-

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

22. In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All development shall cease and shall not recommence until:
- 1) a report has been submitted and agreed in writing by the Local Planning Authority which includes results of an investigation and risk assessment together with proposed remediation scheme to deal with the risk identified and
 - 2) the agreed remediation scheme has been carried out and a validation report demonstrating its effectiveness has been approved in writing by the Local Planning Authority.

The reason for the condition is :-

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

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

The reason for the condition is: -

In the interest of public safety.

24. Construction work shall not take place outside the following hours:-

07:30 to 18:00 Monday to Friday

08:30 to 13:30 Saturday

and no work shall take place on Sundays or Bank Holidays.

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

The reason for the condition is :-

In the interests of the residential amenities of the occupiers of nearby dwellings.

25. Prior to the commencement of each phase of the development as specified on the approved plans, details of boundary treatments shall be submitted to and approved by the Local Planning Authority. The boundary treatments shall be erected in accordance with the details approved prior to the occupation of the dwelling, holiday chalet or holiday lodge to which they relate.

The reason for the condition is :-

To ensure that adequate boundary treatments are provided.

26. REASON FOR APPROVAL OF THE APPLICATION :-

The proposal complies with the aims of Policies CS1-CS3 and CS9-CS16 of the Great Yarmouth Local Plan: Core Strategy, Policy A1 of the Emerging Local Plan Part 2 and saved Policies HOU9, HOU16 & 17 and REC8 of and the Great Yarmouth Borough-wide Local Plan (2001) (LP).

27. **STATEMENT OF POSITIVE ENGAGEMENT:** In dealing with this application Great Yarmouth Borough Council has actively sought to work with the applicant in a positive and proactive manner.

It is confirmed that this shadow HRA submitted by the applicant has been assessed as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of the planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.

In this instance the Borough Council has considered there is no likely significant effect on protected habitats arising solely from the development itself; and the development would contribute to the overall in-combination significant adverse effect identified by the Habitats Regulations Assessment Report for the Local Plan Core Strategy, but this effect can be adequately mitigated by the Habitats Monitoring and Mitigation Strategy; and that Strategy requires a payment of £110 per each additional dwelling towards the monitoring and mitigation provided through that Strategy.

28. **NOTES** - Please read the following notes carefully:- This permission should be read in conjunction with an agreement dated (insert date) made pursuant to Section 106 of the Town and Country Planning Act.

The S106 Agreement contains provisions including but not limited to: Holiday Accommodation, long-term management of the Leisure Facility, Open Space, Sustainable Drainage Systems, Internal Highways and Parking Areas and Natura 2000 contribution

29. **NOTES** - Please read the following notes carefully:-

Early resolution of the required conditions discharge is strongly encouraged in particular with regard to details of highways access and surface water detention. In respect of the latter to ensure measures are appropriate to mitigate any risk of surface water flooding at the southern part of the site towards Newport Road where there is a recorded history of flooding.

30. It is an **OFFENCE** to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the applicant and the County Council. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Contact Dave Wilson david.wilson@norfolk.gov.uk.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the applicant's expense.

31. This development involves a Travel Plan to be implemented within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Town and Country Planning Act 1990 or Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Contact Dave Wilson david.wilson@norfolk.gov.uk.

Travel Plan Review Fee

The Highways Authority levies a charge to cover the on-going costs of reviewing and monitoring a Travel Plan annually. The Highways Authority also requires a Bond to ensure that the Travel Plan targets are met. Both the Bond and the review fee are secured by a Section 106 Legal Agreement. This is in addition to the sum payable for Planning Obligations covering infrastructure, services and amenities requirements.

For residential development, Norfolk County Council offers a fully inclusive package covering the writing, implementation, on-going management and annual review of a Travel Plan for 5 years post completion of the development. Developers are expected to enter into a Section 106 Agreement to secure the necessary funding before planning permission is granted.

32. INFORMATIVE - Please read the following notes carefully:-

The applicant is advised that to discharge condition 6 that the local planning authority requires a copy of the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

General

The off-site works will be delivered by a Section 278 Agreement and the precise delivery mechanism will be determined as the works are brought forward. The applicant should be aware that there may be additional costs relating to the off-site works which will include a commuted maintenance amount as well as various fees including administration and supervision. The completed works will be subject to a Safety Audit and additional works may be required. Further information on the delivery of highway works can be found under Highways and Transport: Post-planning processes at the following link:
<https://www.norfolk.gov.uk/rubbish-recycling-and-planning/planning-applications/highway-guidance-for-development/publications>

Please be aware it is the applicant's responsibility to clarify the boundary with the public highway. Private structures such as fences or walls will not be permitted on highway land. The highway boundary may not match the applicants title plan. Please contact the highway research team at highway.boundaries@norfolk.gov.uk for further details.

33. NOTES - Please read the following notes carefully:-

The site will potentially generate a significant amount of dust during the conversion process; therefore, the following measures should be employed: -

- An adequate supply of water shall be available for suppressing dust;
- Mechanical cutting equipment with integral dust suppression should be used;
- There shall be no burning of any materials on site.

34. NOTES - Please read the following notes carefully:-

Great Yarmouth Borough Council has a duty to ensure that roads and streets within the Borough are properly named and that the properties fronting onto them are appropriately numbered. Therefore it is essential that once planning permission has been granted, and prior to the completion of development, the developer/owner applies for an official address. This Authority has adopted the legislation set out in sections 17, 18 and 19 of The Public Health Act 1925. In common with most neighbouring local authorities, Great Yarmouth Borough Council is introducing charging for the street naming and numbering of new developments from the 1st January 2020. Charges and more information can be seen on the Council's website here: <https://www.great-yarmouth.gov.uk/street-naming-numbering>

Dea Mains

Date: 6th July 2021

Planning Manager

Town Hall, Hall Plain, Great Yarmouth