



GREAT YARMOUTH BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 17 February 2021

Time: 16:00

Venue: Remotely

Address: [Venue Address]

AGENDA

CONTENTS OF THE COMMITTEE AGENDA PLANNING APPLICATIONS & CONDUCT OF THE MEETING

Agenda Contents

This agenda contains the Officers' reports which are to be placed before the Committee. The reports contain copies of written representations received in connection with each application. Correspondence and submissions received in time for the preparations of the agenda are included. However, it should be noted that agendas are prepared at least 10 Working Days before the meeting. Representations received after this date will either:-

- (i) be copied and distributed prior to or at the meeting – if the representations raise new issues or matters of substance or,
- (ii) be reported orally and presented in summary form by the Principal Officer of the Committee – especially where representations are similar to, or repeat, previous submissions already contained in the agenda papers.

There are occasions when the number of representations are similar in nature and repeat the objections of others. In these cases it is not always possible for these to be included within the agenda papers. These are either summarised in the report (in terms of numbers received) and the main points highlighted or reported orally at the meeting. All documents are available as 'background papers' for public inspection.

Conduct

Members of the Public should note that the conduct of the meeting and the procedures followed are controlled by the Chairman of the Committee or, if he/she so decides, the Vice Chairman. Any representations concerning Committee procedure or its conduct should be made in writing to either –

- (i) The Planning Group Manager, Town Hall, Great Yarmouth. NR30 2QF
- (ii) The Monitoring Officer, Town Hall, Great Yarmouth. NR30 2QF

DEVELOPMENT CONTROL COMMITTEE

PUBLIC CONSULTATION PROCEDURE

- (a) Thirty minutes only will be set aside at the beginning of each meeting to deal with applications where due notice has been given that the applicant, agent, supporters, objectors, and any interested party, Parish Council and other bodies (where appropriate) wish to speak.
- (b) Due notice of a request to speak shall be submitted in writing to the Planning Group Manager two days prior to the day of the Development Control Committee meeting.
- (c) In consultation with the Planning Group Manager, the Chairman will decide on which applications public speaking will be allowed.
- (d) Three minutes only (or five minutes on major applications at the discretion of the Chairman) will be allowed to (i) objectors together, (ii) an agent or applicant and (iii) supporters together, (iv) to a representative from the Parish Council and (v) Ward Councillors.
- (e) The order of presentation at Committee will be:-
 - (1) **Planning Officer presentation** with any technical questions from Members
 - (2) **Agents, applicant and supporters** with any technical questions from Members
 - (3) **Objectors and interested parties** with any technical questions from Members
 - (4) **Parish Council representatives, Ward Councillors and Others** with any technical questions from Members
 - (5) **Committee debate and decision**

Protocol

A councillor on a planning or licensing decision making body should not participate in the decision and / or vote if they have not been present for the whole item.

This is an administrative law rule particularly applicable to planning and licensing - if you haven't heard all the evidence (for example because you have been out of the room for a short time) you shouldn't participate in the decision because your judgment of the merits is potentially skewed by not having heard all the evidence and representations.

It is a real and critical rule as failure to observe this may result in legal challenge and the decision being overturned."

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest arises, so that it can be included in the minutes.

3 APPLICATION NUMBER 06-20-0422-F FORMER PONTINS HOLIDAY CENTRE BEACH ROAD HEMSBY

5 - 24

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.

4 OMBUDSMAN & APPEAL DECISIONS

The Committee is asked to note the following appeal decision:-

Appeal Ref: 06/20/0041/F - Land adjacent to Three Ways, Mill Road, Burgh Castle NR31 9QS

Proposal : Self-build 5 bedroomed detached house with garaging. Dismissed Delegated Officer decision.

5 ANY OTHER BUSINESS

To consider any other business as may be determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.

Reference: 06/20/0422/F

Parish: Hemsby

Officer: Gordon Sutherland

Expiry Date: EOT agreed

Applicant: Mr G Avery

Proposal: 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

Site: Former Pontins Holiday Centre, Beach Road, Hemsby

REPORT

1. Background

1.1 This is a full planning application for a major mixed-use development.

2. Site and Context

2.1 This site is 8.85 hectares (21.87 acres) the, former Pontins Holiday Centre, Hemsby is located between Beach Road, Back Market Lane, Newport Road and Kingsway. It is joined to the east, north and south by housing and to the west by the Florida Holiday Park and the Bermuda Holiday Park. The site is located outside of the village development limits for Hemsby as 'saved' from the 2001 Borough-Wide Local Plan where residential development is more restricted. The site is currently identified on the adopted Local Plan policies map as Prime Holiday Accommodation.

2.2 The holiday centre closed in 2009 and has since remained vacant. The former holiday chalets and other buildings and structures remain on site, though in a derelict condition and have been subject to continuing vandalism and arson.

2.3 On 10 July 2019 the site was granted a resolution to approve planning permission (subject to S.106) for the demolition of the existing buildings and redevelopment of the site for up to 190 dwellings, retail development and holiday accommodation, together with associated open space, landscaping and infrastructure.

2.4 The site has been included as a draft allocation in the Council's emerging Local Plan Part 2 (Policy HY1). The emerging policy supports the broad type

and amount of development proposed by the extant planning permission, whilst also providing further detailed site-specific guidance to bring the development forward to delivery. 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 scheduled in March and April 2021.

3. Proposal

- 3.1** The proposal is for the redevelopment and adaption of the existing site, which includes the refurbishment and modification of existing buildings to provide residential accommodation and a swimming pool/ café facility, along with new development works to provide a store, retail units and holiday accommodation, together with associated open space, landscaping and infrastructure throughout.
- 3.2** The proposal comprises 188 dwellings made up of 13 one-bedroom flats, 6 two-bedroom flats, 107 two-bedroom houses and 62 three-bedroom houses. The dwellings are served from estate roads with private drives and turning heads leading from three new points of access off Kings Way. Each 2 and 3 bed dwelling unit has 2 parking spaces, and each 1 bed unit has 1 parking space. Each house will have a private garden.
- 3.3** Served by a loop road from the existing access on Beach Road the development includes 91 units of holiday to let accommodation plus a welcome centre. The accommodation comprises 28 two-bedroom chalets and 25 three- bedroom chalets adapted from the existing buildings at the northern end of the site, as well as 38 prefabricated lodges comprising 19 two-bedroom lodges, 14 three-bedroom lodges and 5 four-bedroom lodges. Each lodge would have a dedicated parking space (38) and there would be a further 104 parking spaces within the holiday let area.
- 3.4** There would be no vehicular connection between the holiday let area and the residential area of the site, just bicycle and pedestrian connections. There is also no vehicular connection between the holiday let area and the area of the proposed leisure centre, store and retail units. Vehicular access to the latter would be taken off Kings Way and separate car parks are shown on the submitted plans for those uses.
- 3.5** The development layout is largely dictated by the location of the existing buildings on the site which are being adapted. The units are within terraces formed around areas of open space; open space is also retained next to the leisure centre. The site has a large number of established trees which are retained by the development.
- 3.6** The development would include a leisure centre adjoining the existing swimming pool having a reception, café, changing, spa and gym facilities. It is

located adjoining a large communal green including a children's play area which would be overlooked from dwellings formed around the green to the south, east and west.

- 3.7 To enhance services available within the development and the village a block of 3 small retail units is proposed, measuring 900 square feet of floorspace each. Each unit has a two-bedroom flat above. A separate small store is also proposed measuring 3,300 square feet of retail space. This will likely be attractive to a convenience operator. Parking is provided adjacent each use, 27 spaces with the store, 9 with the retail units and 28 with the leisure centre.
- 3.8 The developer's intention is to provide 20% of the dwelling parking spaces with Electric Vehicle (EV) Charging Provision along with an allocation to the commercial spaces too. This is in anticipation of a future requirement of the Building Regulations.
- 3.9 The following supporting information has been submitted with the application: Planning Supporting Statement, Design and Access Statement, Flood Risk Assessment, Drainage Strategy, Residential Travel Plan, Transport Assessment, Retail Statement, Contamination Report, Statement of Community Involvement, Ecological Assessment, Arboriculture Report, Archaeological Assessment and Viability Statement.

4. Relevant Planning History

- 4.1 There have been numerous planning applications over the past years on the site related to its holiday use.
- 4.2 More recently, in 2011 an outline planning application was submitted for the redevelopment of the site for a 60 bed Care Home and up to 191 houses, together with associated open space and infrastructure. The application was subsequently withdrawn by the applicant prior to the application being considered by the Development Control Committee (Ref 06/11/0208/O) primarily on the basis that the Council could demonstrate a five-year housing supply
- 4.3 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.

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

- 5.1 Hemsby Parish Council. Supports the application, making a number of observations and wishing to see conditions applied to address these and requesting that several enhancements be included in any associated legal

agreement for the provision of community infrastructure. These are addressed in the assessment section of the report.

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

- 3 representations refer to the impact on schools, doctor's surgery and dentist
- 2 representation seek to control surface water drainage and prevent flooding from the development
- 2 representations support the provision of the leisure facility
- 2 representations support the provision of holiday accommodation in the development
- 2 representations refer to increased traffic
- 1 representation asks if the homes will be affordable
- 1 suggests there should be more industrial, business and commercial uses rather than residential
- 1 raises concerns about privacy and overlooking from the refurbished holiday chalets at the NW of the site
- 2 consider the appearance of the development and renovated properties would be good

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 layout of roads, drives, parking, pedestrian and bicycle facilities. In consultation with the applicant revisions have been made to improve this infrastructure and to ensure highway safety.

5.4 At time of preparing this report the formal recommendation of the Highways Authority has not been received. Informally it is content with the exterior means of access to the development. However, due to the constraints provided by the locations of existing buildings on the site which are to be renovated, parts of the interior network will not achieve new build standard specifications including some sight lines. As such the Highways Authority is not likely to adopt the interior roads network and will require that it become the long-term responsibility of a management company to be established by the developer for the lifetime of the development.

5.5 Flood - Norfolk County Council as Lead Local Flood Authority (LLFA) – advise that the site lies very close to an area that has previously flooded from surface water, namely 8 properties to the south off Newport Road. The LLFA have reviewed the Flood Risk Assessment (FRA) submitted with the application which proposes a strategy based on Sustainable Drainage Systems (SuDS) using soakaways where possible. The LLFA has required the applicant to demonstrate that run off will be restricted to specified Annual Exceedance Probability (AEP) rates and for the long-term management and maintenance of the system. The applicants have worked proactively with the LLFA to agree

a drainage strategy for the development. The LLFA have no objection subject to the development being carried out in accordance with the FRA Revision B and attaching a pre-commencement condition to planning permission requiring the detailed designs are submitted and agreed with the Local Planning Authority in consultation with the LLFA.

- 5.6** Broads Drainage Board – Note that the site is near to the Broads Internal Drainage District and that initial testing shows a drainage strategy reliant on infiltration is likely to be achievable. Should that strategy not prove viable it is recommended that discharge from the site is attenuate at Greenfield Runoff Rates.
- 5.7** Minerals Planning – Advise that investigations have shown that though underlain by sand and gravel, that mineral quality across the site is generally poor and therefore viable mineral resources would not be needlessly sterilised by the development. No objection.
- 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 – Considers that there would be a net increase in the number of 172 persons above the prior approval of outline planning permission and that this should be mitigated with including but not limited to green infrastructure provided on site. It concurs that a financial contribution of £110 per dwelling and holiday unit to the GYBC Monitoring and Mitigation Strategy will mitigate the impacts of recreational disturbance to designated sites in combination.
- 5.10** Natural England – Advise that it is for the Local Authority to determine if the proposal is likely to have a significant effect on any European site. It requests that further information is provided with regards to the potential direct and indirect effects of increased recreational disturbance at designated sites, with a focus on Horsey-Winterton SSSI and SAC and Great Yarmouth North Denes SSSI and SPA. It also requested information about the green infrastructure being provided on the site in particular for dog walking.
- 5.11** Norfolk Constabulary (Designing Out Crime) have provided advice during the application process to maximise good active surveillance over the street scene and minimise opportunities for crime. The Constabulary generally seek for parking to be adjacent to properties, discourage rear parking courts and seek that parking is overlooked by living room windows. It generally seeks to discourage multiple points of access to minimise the means of escape preferring cul-de-sacs where non-residents would be less likely to venture. The applicant has sought to balance the recommendations of the constabulary with the desire to provide facilities for residents to walk and bicycle and to connect the site to the wider transport infrastructure.
- 5.12** Norfolk Constabulary (Traffic Management) recognise that the site has been used to house a very large and successful holiday centre attracting thousands of visitors a year and although the area does get busy in the summer months

the road infrastructure has always been able to cope. It is considered that the existing and proposed accesses will be necessary to enable use the site and disperse onto the road network. Collision statistics for the area show over the last five years no recorded slight injury/serious or fatal collisions on Beach Road or Kings Way. No objection

- 5.13** Norfolk County Council - Infrastructure Requirements advise taking into account this and other developments at Yarmouth Road Hemsby and Pointers East Ormesby there is sufficient capacity in the Early Education and High School sectors to accommodate the potential children from the development. 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 £14,100 to increase the capacity of the service from the development. This requirement would be specified in a Section 106 Agreement if the local planning authority is minded to approve planning permission.
- 5.14** Norfolk County Archaeology – The Archaeological desk-based assessment submitted with the application indicates there are heritage assets that would potentially be impacted by the development. The assessment identifies that the WWII pillbox will be retained. An evaluation by trial trenching was carried out in 2011 which identified activity on the site dating to the Neolithic period and possibly the mediaeval period. The holiday camp buildings themselves are of 20th century interest and have been photographically recorded. A condition is recommended that development not take place until a scheme of investigation and recording has been undertaken.
- 5.15** Health Authority – Consider that the development will have an impact on the services of local GP practices, the James Paget University Hospital, Community and Mental Health care operating in the vicinity. The authority makes an assessment based on its calculation of 316 potential residents accommodated by the development. It considers that the Coastal Partnership Hemsby is experiencing a shortfall of space and the hospital is at capacity and requires development to manage increased demand. Based on a standardised model used by the authority it seeks a developer contribution of £324, 599, including £154,679 for acute provision, £25,580 for mental health beds, £10,109 for intermediate care provision and £134,232 for primary and community care services. Without agreeing to provide this capital investment the Health Authority raise an objection to the proposed development.

Consultation - Internal GYBC

- 5.16** Strategic Planning – The Strategic Planning team provided suggestions to maximise pedestrian and bicycle permeability and the treatment of open space within the proposed layout, which have been taken into account by the applicant alongside design advice from other parties including the Norfolk Constabulary. A condition is recommended for the applicant to submit and agree with the Local Planning Authority details of boundary treatments.

- 5.17** 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 38 dwellings would be anticipated and secured through a Section 106 planning agreement. The Council's Housing Study calls for a tenure split of 90% affordable rented and 10% affordable homeownership. The highest need in the borough is for affordable rented accommodation.
- 5.18** Environmental Health – Have advised the applicant to carry out a site investigation of potential contamination prior to the determination of this application to avoid possible expense from any mitigation identified. However, the applicant prefers to have this made a condition of approval.
- 5.19** Trees - The Tree officer raises no objection to the arboriculture assessment, its outcomes or the protection afforded to the retained trees during the development process. The loss of trees to provide the access points on Kingsway is accepted with there being ample replacement planting at the north eastern corner of the site. The trees on the eastern boundary along Back Market Lane that are to be removed are of poor quality and low amenity value.
- 5.20** Property Services - Have reviewed the viability assessment. The response advises that with the exception of marketing/sales fees which are high it broadly agrees with the other key inputs of the valuation. It considers that the projected end values adopted for the completed residential and holiday units are optimistic having regard to the location and nature/layout of the development. That the converted houses are unlikely to attract the new build premium figures being suggested.
- 5.21** It is also considered that the rental value of £240 per m² adopted for the retail element is well above the market rent. An average yield of 8% is considered to be a reasonable assumption on the basis of a national retailer occupier in the convenience store with lesser covenant occupiers in the parade. These factors have a negative impact on viability and would appear to further support the applicant's argument. The advice concludes as proposed the development (which includes the development of the recreation centre and refurbishment of the swimming pool costing £4 million) would not appear to support substantial additional costs for community infrastructure.

6. Assessment of Planning Considerations: Policy Considerations:

National policy

- 6.1** Paragraph 47 of National Planning policy Framework states: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Of significance in this case is paragraph 63 regarding the provision of affordable housing and development viability which is expanded on in the assessment section of this report.

- 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 CS6 – "Supporting the local economy" paragraph a) which encourages the redevelopment and intensification of existing employment sites, and g) supporting the local visitor and retail economies in accordance with policies CS7&8.
- 6.8 Policy CS7 – "Strengthening our centres" paragraph f) requires that retail proposals over 200sqm (net) located outside of existing designated town, district and local centres submit a retail impact assessment demonstrating there will be no significant adverse impact on those centres.
- 6.9 Policy CS8 – "Promoting tourism, leisure and culture" paragraph a) encourages the upgrading and enhancement of existing visitor accommodation to meet changes in consumer demands, and b) seeks to safeguard the existing stock of visitor holiday accommodation within designated areas, unless it can be demonstrated that the current use is not

viable or that the loss of some bed spaces will improve the standard of the existing accommodation.

- 6.10** Policy CS9 “Encouraging well designed distinctive places” which encourages proposals to take inspiration from the local character, creating positive relationships with the surrounding area.
- 6.11** Policy CS10 “Safeguarding local heritage assets” which encourages proposals to conserve and enhance heritage assets.
- 6.12** Policy CS11 “Enhancing the natural environment” which encourages proposals to conserve and enhance the natural environment and biodiversity
- 6.13** Policy CS12 “Utilising natural resources” which encourages proposals to maximise energy efficiency, reduce waste and minimise the loss of the most fertile agricultural land
- 6.14** Policy CS13 “Protecting areas at risk of flooding” which seeks to safeguard that proposals not to increase flood risk elsewhere and to incorporate SuDs
- 6.15** Policy CS14 “Securing essential new infrastructure” which seeks to ensure that proposals contribute suitably to the provision of infrastructure
- 6.16** 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
- 6.17** 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

- 6.18** Policy EMP18 “Small scale businesses within existing settlements” indicates these would be acceptable where compatible with adjoining uses and where adequate access, parking and servicing can be provided.
- 6.19** 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
- 6.20** Policy HOU9 “Developer contributions” states contributions will normally be sought to provide infrastructure resulting from proposals
- 6.21** Policy HOU16 “Layout and design of housing proposals” require a high standard with a landscaping scheme required for proposals over 10 dwellings

- 6.22** Policy HOU17 “Housing density and subdivision” requires proposals to have regard to the design of the surrounding area
- 6.23** Policy REC8 “Provision of recreational, amenity and open space” requires development resulting in over 20no. children bed-spaces to provide recreation and/or play space
- 6.24** Policy TR4 “Tourist facilities, attractions and accommodation” states that changes of use of accommodation to a non-tourist use in primary holiday accommodation area will not be permitted
- 6.25** Policy TR11 “Loss and improvement of holiday accommodation” states that within primary holiday accommodation areas the loss of holiday accommodation will only be permitted where it can be demonstrated that an alternative use would be to the overall benefit of the tourist industry

The Emergent Local Plan - Local Plan Part 2

- 6.26** This has unresolved representations and carries less weight unless or until the Local Plan Part 2 is adopted in the Spring/Summer of 2021.
- 6.27** 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.
- 6.28** 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, this has the effect of giving the Borough a five year housing supply reinforced by recent approvals for outline permission on housing land allocations within the emergent plan and therefore removing the lack of supply argument, upon adoption. This remains to be tested by the Planning Inspectorate early next year and in this case the site is one that is being promoted by the Local Plan Part 2 and would deliver 188 homes towards this target.
- 6.29** Site-specific policy HY1 Land at Former Pontins Holiday Camp Hemsby. The full policy is reproduced below:

 Policy HY1: Land at Former Pontins Holiday Camp, Hemsby
 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. The site should be developed in accordance with the following site-specific criteria.
 a. Provision of safe and appropriate access to the satisfaction of the local highways authority, including: • appropriate vehicular access to be taken off Kings Way; • prohibiting vehicle access to Back Market Lane; and • measures to integrate the site into the existing pedestrian footpath network. b. Provision

of a mix of housing types and sizes, including a minimum of 20% affordable dwellings to reflect the needs and demand of the local area.

c. Provide approximately 2 hectares of land for tourism use within the overall site.

d. Provision of small-scale local shopping facilities.

e. Approximately 1.95 hectares of open space should be provided on-site comprising informal open and/recreation space and children's play space.

f. Financial contributions will be required towards the expansion of early education providers and local primary schools.

g. Financial contributions will be required towards the improvement of local healthcare facilities.

h. Financial contributions will be required towards enhanced library provision to serve the development.

i. Appropriate structural landscaping should be provided to separate the proposed residential and tourism elements of the site.

j. Retention of significant trees which contribute to the layout and character of the development.

k. Submission of details demonstrating how the site will be decontaminated, specifically proposed treatment and disposal of asbestos material, to the satisfaction of the local environmental health service.

l. Submission of a foul drainage strategy, demonstrating how the foul drainage generated by the development can be accommodated appropriately.

m. Submission of details showing how sustainable drainage measures will integrate with the design and layout of the development and positively contribute to the biodiversity and amenity of the area. A suitable plan for the future maintenance and management of the drainage measures should be included with the submission.

n. Submission of a site-specific Flood Risk Assessment

o. A planning application should be supported by evidence which assesses the quality and quantity of mineral resource. Extraction of materials prior to the development of this site is encouraged where practical and environmentally feasible.

6.30 Policy A1 Amenity has no unresolved objections and as such can be given considerable weight. It states:

Development proposals will be supported where they contribute positively to the general amenities and qualities of the locality.

Particular consideration will be given to the form of development and its impact on the local setting in terms of scale, character and appearance.

Planning permission will be granted only where development would not lead to an excessive or unreasonable impact on the amenities of the occupiers of existing and anticipated development in the locality, in terms including:

a. overlooking and loss of privacy;

b. loss of light and overshadowing and flickering shadow;

c. building and structures which are overbearing;

d. nuisance, disturbance and loss of tranquility from: • waste and clutter • intrusive lighting • visual movement • noise • poor air quality (including odours and dust); and • vibration.

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

On large scale and other developments where construction operations are likely to have a significant and ongoing impact on local amenity, consideration will be given to conditions to mitigate this through a construction management plan covering such issues as hours of working, access routes and methods of construction.

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 has relied on a Shadow Habitat Regulations Assessment (HRA) that was agreed by the Local Authority for the approval of the prior outline permission. A refreshed HRA should be received before any permission is issued. It is considered that the proposal will generate more recreational visits than the outline permission but likely not more than the number of visits from the former holiday centre. As such it is considered that the refreshed shadow HRA will likely be assessed as being suitable for the Borough Council as competent authority to use as the HRA record for the determination of this current planning application, in accordance with the Conservation of Habitats and Species Regulations 2017.
- 8.2** It is considered unlikely that there would be direct effects in isolation; but that in-combination likely significant effects cannot be ruled out from increased recreational disturbance on the Winterton and Horsey Dunes Special Area of Conservation, the North Denes Special Protection Area, the Breydon Water Special Protection Area, the Broadland Special Protection Area and the Broads Special Area of Conservation, but this is in-combination with other projects can be adequately mitigated by a contribution to the Borough Council's Habitats Monitoring & Mitigation Strategy (£110 per dwelling/holiday unit). Impact payments.

9. Concluding Assessment

9.1 The site lies in a Primary Holiday Accommodation Area and adjoining the Hemsby Development Boundary in the adopted local plan and within it in the emerging local plan wherein development will be supported in principle unless material considerations outweigh that principle. 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.

9.2 Supporting information has been provided which addresses the matters listed under site specific policy HY1 "Land North of Hemsby Road.

9.3 Parish Representations – the Parish Council made the following suggestions – to restrict the occupancy of the holiday lets so they are not used as principle residences

Response- A standard condition can be applied

- Property floor space to meet national minimum standards

Response – They do. Revised plans were submitted with increased floorspace

- Is affordable housing included?

Response – see separate paragraph about viability

- Safety concerns re open water

Response – Stormwater detention provision shall be constructed in accordance with standards prescribed by the Lead Local Flood Authority including design to ensure public safety

- Surface water drainage, address risk of flooding

Response - Stormwater detention provision shall be constructed in accordance with standards prescribed by the Lead Local Flood Authority and shall use Sustainable Drainage Systems (SuDS)

- Management fee charged to owners

Response- This is a commercial matter not a planning matter

- Consider providing a bus lay bay on Kingsway long enough for two buses.

Response – No bus layby is proposed or recommended by the Highways Authority

- Capacity of health care service to accommodate the population of the development. The request for a funding contribution by the health authority to mitigate the impact of the development on services is noted.

Response – see separate paragraph about viability

- Provision of litter bins on site

Response this is a commercial matter

- Provision of walking and cycling paths on the site and electric vehicle hire

Response – footways and cycleways are included in the development, electric vehicle hire cannot be a requirement, all conditions of development are

required to meet a national test of being necessary for the development and reasonable.

- To make a financial contribution to assist the Parish to refurbish the existing tennis court at the Waters Lane playing field into a multi-use games area.

Response – The proposed development provides open space and community recreation facilities on site, see separate section of this report on viability

- To install a footway and street lighting along Back Market Lane and reinstate a hedge after.

Response - see separate section of this report on viability, further that infrastructure is not necessary for the development

- Provision of a safe walking/cycling facility on the field margins along Ormesby Road

Response – such a facility is beyond the site and not in the developer's ownership and control, it cannot be deemed necessary or reasonable in order to undertake the regeneration of the site.

- The swimming pool and recreation centre should be required to be complete once the site has reached 50% occupancy

Response – Any trigger shall be as per the prior S106 agreement.

9.4 Housing Supply - In relation to housing supply, 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.

9.5 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.

9.6 Amenity - In this case the development is mainly renovating existing structures on the site that were formerly holiday accommodation. It is considered that the layout including the new cabins at the north of the site would safeguard the amenity of adjoining property; and would not be materially worse than the existing situation. Nevertheless, the applicant has agreed to install external louvres on holiday let Block E to minimise overlooking and enhance the privacy of neighbours in the adjoining property. A condition is recommended to address this.

- 9.7 The dwellings are set out along the estate road and private drives off. Dwellings front onto large areas of public open space which provide focal points and amenity for the future inhabitants. The proposal includes the provision of a leisure centre with gym and spa, footways and cycleways to support active living.
- 9.8 **Services** - Studies and assessments submitted with the application demonstrate that utilities can be provided for the development. The Health Authority considers the development will impact on primary and acute cares services and has requested a financial contribution towards facilities. Utility providers confirm they can service the development.
- 9.9 **Primary Holiday Area** – Although the site lies within an area designated as Primary Holiday Area in the Core Strategy, the holiday centre closed in 2009 and the Council has previously accepted the argument for its redevelopment. The northern portion of the site will be retained in use as holiday accommodation, with a combination of renovated units and new lodges. The site has been included in the Draft Local Plan Part 2 (Policy HY1) for mix of uses proposed in this application.
- 9.10 **Retail Impact** – This small-scale retail development forms part of the wider mixed-use development. The floorspace comprises one primary unit 595sqm providing 474sqm of retail space and three smaller units of 82sqm each. This level of provision is similar to that which benefits from the existing planning permission on the site. Based on the previous retail impact assessment which accompanied the existing planning permission a negligible effect was identified on Great Yarmouth Town Centre.
- 9.11 **Affordable Housing** – Paragraph 63 of the NPPF states that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. The Planning Practice Guidance indicates that affordable housing contributions in these circumstances should only be sought on the increase in floorspace. There is no increase in floorspace on the residential element of the scheme. Therefore, no affordable housing contributions can be sought in line with the NPPF.
- 9.12 **Viability** - The applicant has provided a viability assessment with the application. The assessment indicates it would not be viable to make contributions to affordable housing (even if they were required) or other section 106 contributions. The assessment does take into account the gifting of the leisure centre and swimming pool to a management company. Any additional financial contributions would worsen the viability on a pound for pound basis.
- 9.13 The Council's Property Services have been consulted regarding the applicant's viability assessment. Any response can be provided at the committee meeting

- 9.14** The applicant has committed to making contributions to community infrastructure that it considers are reasonable and necessary to enable the development. In this case the payment for the provision of fire hydrants as required by the Building Regulations, £843 per hydrant to Norfolk County Council Libraries £14,100 and as required by the Habitats Regulations £30,690. Additionally, it is providing the recreation centre which will enhance the community infrastructure resulting from the development. These contributions can be secured by legal agreement.
- 9.15** The applicant has submitted a statement with the application which demonstrates the cost of renovation and enlargement of the units and the provision of the recreation centre would not be viable with the provision of affordable housing or other substantial financial contributions.
- 9.16** As stated previously in this report the Health Authority has requested contribution of £324,599 towards primary and acute care provision in relation to the development. It is considered that the hospital requirement may not be justified given the wider plans for capital investment by central government at the hospital and lack of detail from the Health Authority about what the contribution would be spent on. Further, the requirement towards intermediate beds and mental health beds also lack justification as to what the money would actually be spent on. The viability assessment identifies that a contribution towards healthcare facilities or other additional investment in community infrastructure would further decrease the viability of development.
- 9.17** It is considered that this proposal represents the best opportunity to regenerate the site, removing dereliction and providing dwellings to deliver the local authorities broader housing requirements.

10. RECOMMENDATION: -

- 10.1** In this case the site is adjoining the existing settlement. The site is identified for development in Draft Local Plan Part 2. The location is clearly sustainable, it will result in the regeneration of derelict buildings located in an attractive living environment set in the existing landscaped grounds retaining mature trees and substantial areas of open space. It will protect the amenity of neighbouring property and add a leisure centre and swimming pool for use by the community as well as enhance the local retail opportunity for convenience shopping. The application improves upon the previous outline approval it provides a mix of uses including the renovation of 53 units of holiday accommodation and 38 new holiday lodges. Given the well documented need for the borough to meet its' housing allocation targets it is considered that this proposal can be a pragmatic way to regenerate the site and deliver new homes. It is recommended that the application is approved subject to conditions and the completion of a Section 106 Agreement.
- 10.2** Approval would be subject to conditions including but not limited to the following; approval of the refreshed Habitats Regulations Assessment; that the development be in accordance with the approved plans except where

specified, safeguards to remediate any contamination that may be discovered during an intrusive investigation required pre construction, limitation of the hours of construction, recording of any archaeology uncovered, the provision of a fire hydrant(s), measures specified by the lead local flood authority for drainage, measures specified by the highway authority, details of boundary treatments to be agreed and the provision of external louvres on the rear elevation of holiday let Block E. Furthermore, approval would be subject to the completion of a Section 106 agreement to secure the recreation centre and any infrastructure payments that are reasonably required to mitigate the impact of the development. In this case Library contribution and Habitats Regulation Assessment mitigation payment and a S106 monitoring fee(s).

- 10.3** 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).

Background Papers 06/20/0422/F



Image 001
Aerial view showing typical refurbishment and adaption design for converting the existing chalet buildings into a varied mix of residential units

Image 002
Typical street scene perspective demonstrating indicative proposal for new residential units



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PINE DEVELOPMENTS LTD

location:
KINGS WAY, HEMSBY,
FORMER PONTINS SITE

title:
PROPOSED RESIDENTIAL
REFURBISHMENT DESIGN
- CONCEPT MODEL VIEWS

scale @ A1: N/A
date: July 2020
project no: 8164

drawn by: CL
approved: CL
dwg no: P.41

revision:

PLANNING



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**KINGS WAY, HEMSBY
 FORMER PONTINS SITE**

title:
SITE LOCATION PLAN

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

drawn by:
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 dwg no:
P.01

revision:

PLANNING



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- KEY**
- 2-Bed House
 - 3-Bed House
 - 1-Bed Flat
 - 2-Bed Flat
 - 2-Bed Flat (above Retail units)
 - Block A 2 & 3-Bed Holiday Chalet
 - Block B 2-Bed Holiday Chalet
 - Block C 3-Bed Holiday Chalet
 - Block D 2-Bed Holiday Chalet
 - Block E 3-Bed Holiday Chalet
 - Retail
 - Swimming pool / Cafe
 - Public Green Spaces
 - Private Gardens
 - Kids Play Area
 - Demolished
 - Linked Surface Water Infiltration Ponds
 - Nature Trail
 - Existing Tree (TPO)
 - Existing Tree
 - Proposed Tree/Planting
 - Tree removed (without TPO)
 - Tree removed (with TPO)

rev: date: description: by:

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PINE DEVELOPMENTS LTD

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

title:
PROPOSED MASTERPLAN

scale @ A1:
1:1000

date:
July 2020

project no:
8164

drawn by:
CL

approved:
BH

dwg no:
P.03

revision:

SCHEDULE OF RESIDENTIAL ACCOMMODATION			
TYPE	NO. BEDS	NO. UNITS	PERCENTAGE %
Flat	1-Beds	13	6%
Flat	2-Beds	6	-
House	2-Beds	107	61% (Flats+Houses)
House	3-Beds	62	33%
TOTAL UNITS		188	

Car Parking provided as follows:
- 1 space per 1-bed dwelling
- 2 spaces per 2-bed & 3-bed dwellings

SCHEDULE OF HOLIDAY LET ACCOMMODATION		
TYPE	NO. BEDS	NO. UNITS
Lodges	2-Beds	19
Lodges	3-Beds	14
Lodges	4-Beds	5
Chalets	2-Beds	28
Chalets	3-Beds	25
TOTAL UNITS		91

Car Parking provided 1 space per lodge
Car Parking provided 2 space per chalet

- HOLIDAY LODGE AVAILABLE SIZES**
- Option 1 - 2 bedroom
16 x 40ft (4.9 x 12.2m) with
3.0m veranda: 20 available
 - Option 2 - 3 bedroom
20 x 41ft (6.1 x 12.5m) with
3.0m veranda: 14 available
 - Option 3 - 4 bedroom
20 x 46ft (6.1 x 14.0m) with
3.0m veranda: 8 available

PLANNING