

Reference: 06/15/0441/O

Parish: Hemsby

Officer: D.Minns

Expiry Date: time extension agreed

Applicant: Northern Trust Company Ltd

Proposal: 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

Site: Former Pontins Holiday Centre, Beach Road, Hemsby

REPORT

1.0 Background

1.1 This planning application is re-presented to Members following a resolution to refuse the application by the Development Control Committee in March 2016 and further negotiation with the applicants which has resulted in a revised proposal being submitted.

1.2 The application as originally submitted was an outline planning application for the redevelopment of the site for up to 200 dwellings and community facilities/ commercial facilities together with open space and landscaping.

1.3 The Committee minutes states:- *"That application 06/15/0441/O be rejected on the grounds that the application is against TR4 of the Borough Wide Local Plan, unneighbourly and that there is other development land available"*. A copy of the minute is attached to this report.

1.4 During Committee deliberations at the March 2016 meeting, whilst resolving to refuse the application, the Committee expressed a view that they were keen to retain an element of tourism on the site to reflect local concern over the loss of a tourism use, along with revisiting the retail aspects of the proposal with a desire to retain a minimum two acres of tourism use on the site. The application as currently revised reflects that desire by having an area of two hectares (4.8 acres) to accommodate 50 caravans and the retail element revised to omit any development within use classes A4 (drinking establishments) and A5 (hot food takeaways) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

1.5 In April 2016 the Committee was advised that legal advice was being taken on the nature of the planning refusal to protect the Council's position, which Officers had advised would be difficult to defend on appeal and that discussions were being undertaken with the applicants to amend the application. The outcome of this was that the decision notice was not issued and neither did the applicant appeal to the Planning Inspectorate on the grounds of non-determination of the application.

1.6 The revised application has again been subject to full public and statutory body consultation and reports accompanying the revised application updated. This report updates the previous committee report to reflect the current proposals and consultation responses along with the changes to the National Planning Policy Framework and Planning Practice Guidance. Reference is also made to potential amendments to the adopted Great Yarmouth Core Strategy and emerging Local Plan Part 2 policies and site allocations for information only.

2.0 The Site Location and Context

2.1 The application site which is 8.85 hectares (approximately 22 acres) is located on the boundary between the tourist and residential areas of Hemsby, with the residential area wrapping around the application site to the north, west and south. Beach Road and Kings Way separate the application site from the adjacent residential areas to the north and south. The north western and southern boundaries of the site adjoin the rear gardens of residential properties on Kings Way, Beach Road, Homestead Gardens and Newport Road. To the east of the site, on the opposite side of Black Market Lane, are two holiday chalet parks, namely Bermuda Holiday Park and Florida Estate.

2.2 A large section of the western boundary of the site runs immediately adjacent to Kings Way, which is a single carriageway road providing one of the main accesses into Hemsby. There is no current direct access from this road, with the sole access being off Beach Road to the north. This road connects Kings Way to the beach and core tourist entertainment area to the east. Back Market Lane is a minor road which runs alongside the eastern boundary of the site and links Beach Road to the north with Newport Lane to the south.

2.3 The accommodation on the site – although in various states of disrepair following vandalism and fires – currently comprises an extensive range of flat roofed chalet blocks together with a large facilities building and with additional ancillary buildings. Overall the accommodation of the holiday park, at its peak, provided for a maximum capacity of around 2,440 people, according to information submitted with the application.

2.4 Pontins was first formed in 1946 and provided low cost family accommodation for self-catering and half board holidays across the UK and up until April 2008 the Pontins holiday centre in Hemsby was part of the wider Pontins company group. In 2008 the ownership of the site changed and the site was closed.

2.5 The application site has been vacant since the 2008 closure and whilst there has been 24 hr security, the site has suffered from a number of burglaries and fires over the years and is in a generally poor condition.

3.0 Relevant Planning History

3.1 There have been numerous planning applications over the past years on the site related to its holiday use. 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.

4.0 The Original Proposal

4.1 Under the current reference number, the original application (06/15/0441/O) was submitted on 31st July 2015. The outline planning application proposed the principle of redevelopment of the site for up to 200 dwellings and community/commercial facilities together with associated public open space and landscaping with only the means to the application site to be considered as part of the application. All other matters e.g. appearance, landscaping, layout and scale were reserved for future approval.

4.2 The information submitted with the application stated that approximately 8.04 hectares of the site would comprise residential development. This included affordable housing, the amount of which – dependent on viability and subject to negotiation with the Local Authority was an indicative housing mix shown consisted predominantly of detached family housing with some semi-detached and terrace units; these would be mainly two storeys with an element of three-storey properties.

4.3 The community/ commercial facilities were proposed to be located on an area of 0.81 hectares (1.9 acres) along the western boundary fronting Kings Way with associated car parking. The supporting information stated that the units would consist of two detached single storey buildings with a combined floor space of a maximum of 900sqm (9805 sq. ft). These were shown (again indicatively) as likely to be in blocks/ wings not exceeding 15m in width and 45m in length with ridge heights not anticipated to exceed 8m. Pedestrian access was anticipated to be linked from in the general

development and off Kings Way which may be sub divided into smaller units. Flexibility was being sought in terms of the range of possible uses.

4.4 The applicants considered that the community facilities would assist in integrating the new development into the local community by providing opportunities for additional and improved local facilities to support existing and future residents of the local area. The application form did not include the floor area as described in the supporting information, except to say that the amount was unknown, as was the number of potential employment opportunities.

4.5 Overall, the indicative plan demonstrated how the site could be developed along with areas for housing, commercial/ community facilities and open space areas.

The plan included:-

- a) The location of the access points for the development and an access off Beach Road in the same approximate location as the existing access, together with two new accesses for the residential development off Kings Way.
- b) The location and site area for the community/ commercial facilities shown on the Kings Way frontage in two blocks, one accessed off the residential access and one access directly from Kings Way.
- c) Indications of housing mix and scale including details of open space; however, the level of detail is reflective of the fact the application was for outline permission with all matters reserved for future approval.
- d) The application included a zebra crossing of Kings Way between the retail and the footway into the Barleycroft estate, as well as two new bus stops with shelters and length of improvement/widening of the east side footway. A bus shelter to the bus stop on the south side of Beach Road was also to be provided.

4.6 In terms of the flexibility of uses referred to above, the plans stated that Use Classes A1, A2, A3, A5 and D1 were proposed. For clarification the following list gives an indication of the types of use which may fall within each use class:

A1 – Shops

A2 – Financial and professional services

A3 – Restaurants and cafés - For the sale of food and drink for consumption on the premises.

A4 – Drinking establishments - Public houses, wine bars or other drinking establishments (but not night clubs).

A5 – Hot food takeaways - For the sale of hot food for consumption off the premises

D1 – Non-residential institutions - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls,

5.0 The Current Revised Proposal

Residential Development

5.1 Outline planning permission is still being sought for a residential led mixed-use redevelopment of the application site as a whole and the application site remains unchanged. However, the description has changed and the scheme no longer proposes community facilities and now includes an element of holiday accommodation and the retail element has changed. Accordingly, the original application form has been amended and the new description of development is for the 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. As with the original 2015 submission, permission is sought for the principle of the development and the main access points, with matters relating to layout, scale appearance and landscaping reserved for future approval. In summary the different elements of the development are provided below.

5.2 Approximately 6.35 ha of the application site will comprise class C3 residential development (i.e. dwellings) together with associated open space and infrastructure. The masterplan indicates the site being developed in three parcels. Two of these are shown as residential areas (parcels A & B) with new vehicular access points directly off Kings Way. The location of these access points is shown on the indicative masterplan and the access details are unchanged from the original 2015 scheme. The third residential area (parcel C) would be accessed internally via residential parcel B.

5.3 Whilst permission is not sought for matters relating to layout and landscaping at this stage, the submitted masterplan shows areas of proposed open space, totalling 1.4ha, towards the south of the site around the main groups of existing trees. However, the planning statement submitted with the application states that additional areas of open space and landscaping could also be delivered elsewhere within development when the layout is designed at reserved matters stage. Whilst it is the applicant's intention to retain trees and hedgerows where possible, the planning statement states that there is a need to remove certain trees to enable access. The trees to be removed are shown on the masterplan; replacement tree and hedgerows will be planted elsewhere to mitigate for this loss. This aspect is discussed in later detail later in this report.

Retail Area

5.4 The retail floor space shown on the revised masterplan shows that permission is sought for 595 sqm of retail development within an area extending to approximately 0.5 ha along the western site boundary, adjacent to Kings Way. This is in

approximately the same location as the area originally proposed for retail and/or community facilities in the original 2015 scheme - a reduction of approximately 300 sqm.

5.5 The revised supporting information states that the proposed retail facilities are likely to comprise a single storey building which will be sub-divided into one larger primary unit of approximately 280 sqm retail floorspace and 167 sqm storage, together with two smaller units extending approximately 74 sqm each. In terms of the proposed uses, approval is sought for use classes A1, A2 and A3 (*see paragraph 4.6 for the breakdown of the A use classes*). This retail area will have its own vehicular access directly off Kings Way and this proposed new access remains unchanged from the 2015 scheme. The retail area will have designated car parking, whilst pedestrian connection points could also be provided from within the proposed residential development, although these are issues for the reserved matters stage.

Holiday Accommodation

5.6 The revised proposals now include an area of approximately two hectares to the north of the site, adjacent to Beach Road, for holiday accommodation, in the form of 50 static caravans. This area will be accessed directly off Beach Road. Whilst layout and landscaping are reserved for future approval, the submitted masterplan shows the holiday accommodation being physically separated from the remainder of the site by a proposed landscaped buffer.

5.7 Overall the existing site is well established with extensive planting and hedging, and the layout shown on the masterplan seeks to retain areas of established planting within open space provision on the site.

5.8 Accompanying both proposals are the following documents: -

- Planning Statement
- Design and Access Statement
- Transport Statement
- Framework Travel Plan
- Flood Risk Assessment
- Ecological Assessment
- Tree Survey and Constraints Summary Report
- Marketing Report and Appraisal

6.0 Consultations :-

6.1 **Parish Council** - Hemsby Parish Council originally objected to the application for the following reasons 1 to 5 below. In addition, the Parish Council engaged a

consultancy – Small Fish – to make further representation to support their objection to the revised application. A copy is attached to this report.

The conclusion of the representation by Small Fish/Hemsby Parish Council is as follows:

- a) The proposal is in direct conflict with adopted local plan policies CS6, CS8, HOU22, TR4 and TR11 and as a result the application should be refused on the basis that it proposes a non-conforming permanent change of use to the land that is safeguarded for tourism facilities and will therefore harm the local economy, and has not been justified by an independently scrutinised report on viability.
- b) The proposal is in conflict with the development plan by virtue of being outside of the adopted development boundary for Hemsby as shown on the Local Plan Policy Map (North), with its presumption against residential development boundary outside of the development boundary.
- c) It is also suggested that the application is refused on grounds of prematurity as it undermines the plan-making process by pre-determining applications decisions about the scale, location or phasing of new development that are central to an emerging plan.
- d) The Parish Council is supportive of housing in the village, but in the right locations. Hemsby, its people and parish council, have a demonstrable history of supporting new development. Indeed, a series of planning applications over the years have received strong support. The Parish Council is keen to work with the borough council to identify suitable locations for residential development, so that the borough council is working *with* the local community rather than against it.

1. The site is a PRIME Holiday area, which will also require change of use, but are concerned if approved will this set a precedent for other Prime holiday areas in Hemsby or the Borough to have this protection removed and re-developed.

2. The infrastructure is not adequate to cope with the increase of population or increase in traffic on the highways. Drainage is poor on the site and regularly flooded the area with increased demand.

3. Lack of educational facilities to cope with extra child places.

4. One medical centre in the village which is already struggling with high number of patients.

5. As a holiday resort the site employed many from the local area, where will new residents find work in an area which is mainly tourism.

6.2 Public representations received – the revised proposal has been advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing.

6.3 Originally, approximately 49 responses were received, of which 48 are opposed to the proposal with one in favour of the development. Following re-consultation on the revised plans the number of objections is 109. In addition, representations have been made by the MP, a local Borough Councillor and Greater Yarmouth Tourism & Business Improvement Area Ltd. All representations are available to view on the planning file and the website, but in summary the representations cite the following issues: -

- Any new development will place further demands on local facilities
- The proposal is contrary to current policies in the Local Plan
- Loss of holiday accommodation
- This is a holiday resort area which should be substantially be maintained
- Impact on local facilities and infrastructure
- Hemsby both socially and physically cannot cope with the housing growth proposed
- There is Insufficient demand for further housing
- It would be great if it could be a caravan park for tourists with entertainment etc to keep Hemsby alive
- Schools, doctors and dentists cannot cope
- Having been flooded in June 2014, further housing in these sorts of numbers will cause even more devastating flooding. The surface water drainage is not fit for purpose now or it wouldn't have flooded last year
- Further housing will make matters worse (flooding)
- Our doctors surgery is only open 3 days per week with no parking available
- The village needs more holiday/leisure facilities to keep our small shops
- More housing not needed
- It's a holiday area and should be left as a leisure use
- Since Pontins has closed there has been a steady deterioration in the area with regards holiday facilities and this is noticeable year after year. If things deteriorate much more my family will look to holiday elsewhere.
- Tourism is major income to the community and more holiday facilities are required not housing
- Housing on this site will set a precedent for other holiday sites to go the same way
- Hemsby will no longer be a village but a town
- Current owners have refused to sell for holiday use
- Hemsby is a village with a strong sense of community and we want it to stay that way

- There are no jobs to warrant further housing in the area
- Do not need the additional traffic going through the village
- Golden opportunity to get a new health centre on this site
- Loss of potential employment generator

The letter of support

- Pontins became an appalling source of noise both day and night and we were profoundly affected and made ill by the it I am strongly in favour of the proposal

Some representative letters from respondents are attached to the report. All of the correspondence received can be seen on the planning file in the planning office and on the Council's website.

6.4 Statutory Consultations - External Norfolk County Council

6.5 Highways

6.6 The mitigation package proposed by the developer includes a push button controlled pedestrian crossing at Kings Way, adjacent to the footpath that connects to the Barleycroft estate.

6.7 The package also includes two bus stops with shelters, along with improvements to and widening of the east side footway. A bus shelter will also be provided at Beach Road along with improvements to the south footway. The development will have a Travel Plan secured by condition and will need a performance Bond secured by S106 Agreement.

6.8 In light of the above agreed mitigation package the Highway Authority recommends no objection subject to the suggested conditions and completion of the above mentioned S106 Agreement. (see attachment)

6.9 Historic Environment Service

6.10 An archaeological evaluation has previously been carried out at the proposed development site and the results submitted with the current application. The proposed development has been subject of an archaeological evaluation by trial trenching (albeit at a lower level than normal because of the number of buildings on the site) which revealed the presence of Neolithic activity at the site and there is potential that further heritage assets on the site that may be affected by the proposed development.

6.11 The site was also used as a military camp in the 2nd World War and a pill box is believed to survive beneath an earth mound on the (western) Kings Ways frontage. If the oil box is extant we request that it is retained within the proposed development.

Also because of its heritage a photographic record should be taken of the camp which plays a significant role within the history of the Norfolk coast. In accordance with National Planning Policy Framework it is recommended that a programme of archaeological work is carried out and conditions are imposed.

6.12 Norfolk Constabulary (Architectural Liaison Officer) -

Recommends appropriate boundary treatment encloses the site to provide adequate security protection, privacy and reduce unauthorised pedestrian permeability. Specific and general advice on design and layout to provide a secure development will be offered at the reserved matters stage.

6.13 Infrastructure -

6.14 'Thank you for consulting the County Council on the potential infrastructure, service and amenity requirements arising from the above proposal as they relate to matters covered in the County Council's agreed Planning Obligations Standards. The comments attached are made "without prejudice" and are an officer-level response to your consultation. The requirements are based on 190 dwellings and reflect the pooling restrictions set out in Reg 123 of the Community Infrastructure Levy Regulations (2010 as amended).

6.15 It should be noted that the attached comments are only valid for six months from and therefore the County Council would expect to be re-consulted if the proposal is not determined in this period. The figures are given on the basis that they will be index linked from the time the application is determined by committee in order to maintain their value in real terms.

6.16 The County Council would have concerns if funding for the attached list of infrastructure requirements could not adequately be addressed/delivered through S106 and/or condition. Potential County Council Infrastructure Requirements - Proposed Housing Development Address: Beach Road, Former Pontins Holiday Park, Hemsby (190 Dwellings) Application No. 06/15/0441/O. The requirements below would need to be addressed in order to make the development acceptable in sustainable terms through the delivery of necessary infrastructure. The funding of this infrastructure would be through planning obligations /condition

Based on the above demographic and DfE cost multipliers, the following standard education charges arise per dwelling, if there is insufficient capacity at local schools:

Table 2 Cost per Dwelling

(Age Range)	Cost per dwelling (£)		
	House (Multi-bed)	Flat (Multi – bed)	1-Bed Unit
Nursery	1,118	559	0
Primary	3,039	1,520	0
High	3,035	1,518	0
Sixth Form	323	162	0
Total	7,515	3,759	0

- 1.4 In addition to the current situation at local schools, the following permissions need to be taken into account:

Table 3 Other Developments

Site Addressed (Application No.)	Number of Dwellings	Children 2-4	Children 4-11	Children 11-16
Martham Road, Hemsby (06/09/0593/D)	49	5	13	8
Yarmouth Road, Hemsby (16/0583)	93	9	24	16
Total	142	14	37	24
Pointers East, Ormesby (15/0309)	189	18	49	33
Total	331	18	49	57

- 1.5 **Table 4 The current situation at local schools is as follows:**

School	Capacity	Numbers on Roll (Sep 2018)	Spare capacity No. of places
Early Education (2-4)	107	99	+8

Hemsby Primary (4-11)	207	187	+20
Ormesby Village Infant	180	114	+66
Ormesby Junior	179	170	+9
Flegg High Ormiston Academy (11-16)	950	816	+134

- 1.6 The table below shows the number of houses (or family house equivalents) needed to generate a single child place based on the demographic multiplier above:

Table 5 Number of Dwellings Needed to Generate 1 Child Place

Sector	Nursery	Primary	High	Sixth Form
	12	4	7	36

1.7 Claim

Taking into account the permitted planning applications in Table 5, a total of 332 dwellings (including the Former Pontins Holiday Park, Hemsby site) would generate an additional 32 Early Education (2-4 year old) children, an additional 87 Primary school age (4-11) children, and an additional 57 High school age (11-16) children. There would not be sufficient capacity in the Primary sector and funding for additional school places in the Primary sector would be required. The Early Education sector would also be full and funding would be sought to accommodate the children generated from this proposed development should it be approved.

This number of dwellings (190) will put pressure on the local primary school and Hemsby Primary school cannot be expanded on its current site. The next nearest primary schools are Ormesby Village Infant and Ormesby Junior. Some children who live in the Hemsby catchment do choose to attend other schools such as Ormesby and this pattern may have to continue should there not be sufficient capacity for children from this development at Hemsby Primary School. However with the permitted planning applications in Table 3, Ormesby Village Infant and Ormesby Junior schools will have insufficient capacity.

Our information held on the Ormesby schools indicates that there is scope for expansion in order to accommodate children generated from this proposed

development. And Norfolk County Council will work with the local schools to ensure that there is enough capacity to provide places for all local children.

Therefore Norfolk County Council will seek Education contributions for this proposed development as set out in table 2.

The above contributions will be used to fund the following projects:

- Early Education - expansion of existing providers
- Ormesby Village Infant School -To contribute towards new class space to increase the permanent capacity of the school (Project A)
- Ormesby Village Junior School -To contribute towards new class space to increase the permanent capacity of the school (Project A)

Housing

With reference to the proposed development, taking into account the location and infrastructure already in place our minimum requirement based on 190 dwellings would be 1 fire hydrant per 50 dwellings (rounding up to the nearest 50), on a minimum 90mm main, at a cost of £466.99 each (Essex and Suffolk Water prices).

Community Facilities

With reference to the proposed development, based on the location and infrastructure already in place and the type of buildings proposed, our minimum requirement is for an additional fire hydrant capable of delivering a minimum of 20 litres per second of water on no less than a 150mm main at a cost of £466.99.

Please note that the onus will be on the developer to install the hydrants during construction to the satisfaction of Norfolk Fire Service and at no cost. Given that the works involved will be on-site, it is felt that the hydrants could be delivered through a planning condition.

6.17 Drainage

Local Lead Flood Authority (Norfolk County Council)

6.18 The applicant has supplied the following information:

Create Consulting FRA, Revision A, Ref: GS/CS/P14-680/06 – Rev – A dated April 2018 New Application and Plan 7873-12-G.

6.19 There are now 190 dwellings, retail development, holiday accommodation open space & landscaping proposed at Beach Road. The revised FRA now proposes a drainage strategy including an infiltration basin as opposed to cellular soakaways. The FRA makes mention of exceedance flows and a Management & Maintenance plan. Revised calculations now reflect a climate change [allowance] of 40% and include the

new revised impermeable area. The applicant submitted Micro drainage modelling for the infiltration basin.

6.20 Please note that FSR data has been used for all critical storm events. The LLFA Guidance recommends the use of FEH rainfall data for critical events longer than 1 hour. Please note that FSR (Flood Studies Report) rainfall data should be used for storm durations less than 1 hour and FEH (Flood Estimation Handbook) rainfall data should be used for storm durations greater than 1 hour when identifying the critical storm duration. We have reviewed the further information as submitted and I can confirm we have nothing further to add to our previous comments dated 21 January 2016 (Our Ref FWP/15/6/2239).

6.21 We have no objection subject to revised conditions being attached to any consent if this application is approved and the Applicant is in agreement with pre-commencement conditions. If not, we would request the following information prior to your determination. We recognise that the Local Planning Authority is the determining authority, however to assist, we suggest the following wording:

Condition:

a) Prior to commencement of development, in accordance with the submitted Flood Risk Assessment (Create Consulting, Revision A, Ref: GS/CS/P14-680/06 – Rev – A dated April 2018) 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. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration basin

II. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- ☐ 3.33% annual probability critical rainfall event to show no above ground flooding on any part of the site; and
- ☐ 1% annual probability critical rainfall event 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

III. The design of the infiltration basin 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

IV. Plans 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 in 100 year return period.

V. Finished floor levels should be not less than 300mm above any sources of flooding and not less than 150mm above surrounding ground levels.

VI. 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.

VII. 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.

Reason:

To prevent flooding in accordance with National Planning Policy Framework paragraph 163 and 165 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 surface water drainage system operates as designed for the lifetime of the development.

6.22 Environment Agency – We have inspected the application and have no objections to the proposal. Please note that we would be likely to object to this application at the reserved matters stage should the proposed development not connect to the mains sewage.

6.23 Anglian Water - The foul drainage from this development is in the catchment of Caister Pump Lane Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal

6.24 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building

Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

6.25 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable as the planning application states that a connection to the public sewer is required, whereas the FRA states that the site will drain surface water flows via infiltration. As Anglian Water have no public surface water sewers in the area we would need to be satisfied that surface water flows are not being discharged to the public foul water network. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

6.26 We request a condition requiring a drainage strategy covering the issue(s) to be agreed. "No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority. The Reason: To prevent environmental and amenity problems arising from flooding."

6.27 **Essex and Suffolk Water** – We have no objection to the proposed development subject to compliance with our requirements. Consent will be given to this development on the condition that a metered water connection is made to our company network for each new dwelling/community and commercial unit for revenue purposes.

6.28 **Natural England** – No Objection subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of:

- ☐ Winterton - Horsey Dunes Special Area of Conservation (SAC) ~700 m
- ☐ Winterton-Horsey Dunes Site of Special Scientific interest (SSSI) ~700 m
- ☐ Great Yarmouth North Denes Special Protection Area (SPA) ~800 m
- ☐ Winterton-Horsey Dunes Site of Special Scientific interest (SSSI) ~800 m
- ☐ Broadland SPA and Ramsar site1 ~1.3 km
- ☐ The Broads SAC ~1.3 km
- ☐ Hall Farm Fen, Hemsby SSSI ~1.3 km
- ☐ Trinity Broads SSSI ~1.7 km
- ☐ Upper Thurne Broads and Marshes SSSI ~4.1 km
- ☐ Breydon Water SPA and Ramsar site ~7.9 km

□ Breydon Water SSSI ~7.9 km

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- implementation of open space provision or an equivalent financial contribution for the improvement or enhancement of public open space provision in the locality as stated in emerging Local Plan Policy H12-dp
- a financial contribution of £110 per dwelling as in line with emerging Local Plan Policy E4-dp

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Advice about mitigation requirements

6.29 To sufficiently mitigate the direct impacts of recreational disturbance to designated sites arising from this application, Natural England advises the implementation of open space provision, or an equivalent financial contribution, for the improvement and/or enhancement of public open space provision in the locality as in line with the draft Policy H12-dp. In addition, we advise that a financial contribution of £110 per dwelling should be made in accordance with the Great Yarmouth Local Plan Habitats Regulations Assessment the adopted Habitats Monitoring and Mitigation Strategy and the emerging draft policy E4-dp in order to mitigate the additional in-combination effects of recreational disturbance on the designated sites listed above.

6.30 As stated in our advice letter (ref: 06/15/0441/O, dated 11/02/2019) we are concerned that the on-site and off-site accessible open space and routes as currently proposed will be insufficient to absorb the routine and daily additional recreational disturbance impacts arising from this development, when considered in combination with other development proposals.

6.31 We recommend this development includes green space that is proportionate to its scale to minimise any predicted increase in recreational pressure to designated sites, by containing the majority of recreation within and around the developed site. Green infrastructure design should seek to achieve the Natural England Accessible Natural Greenspace Standards, detailed in Nature Nearby, including the minimum standard of 2ha informal open space within 300m of everyone's home. As a minimum, we advise that such provisions should include:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km² within the site and/or with links to surrounding public rights of way (PRoW)

- Dedicated 'dogs-off-lead' areas
- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins

6.32 If it is not possible to provide adequate green infrastructure onsite we advise the implementation of open space provision, or an equivalent financial contribution, for the improvement and/or enhancement of public open space. The council would need to feel confident that the public open space is sufficient both in design and size to offset recreational impacts to designated sites. We advise that any offsite provisions are in place before the development is inhabited.

Consultation – Internal GYBC

6.33 **Building Control** - Although outline only the need is highlighted to provide adequate Fire pump access and turning head in particular to the south of the site

6.34 **Environmental Health** – 'Environmental Services does not object to the grant of planning permission for the above referenced proposal. However, we do give the following advice, in formatives and recommended conditions for inclusion on any planning consent that may be granted. Matters such as: -

- a) hours of use and deliveries, plus submission of details of plant for the community and commercial facilities will be commented upon further for planning conditions should the proposed development reach a detailed submission stage
- b) LandContamination: If planning permission is granted conditions are recommend to address any potential contamination on site and means of mitigation if present both before and during construction
- c) Details of foul and surface water
- d) Conditions controlling provision of external lighting to minimise light pollution and impact upon neighbour amenity
- e) Control on hours of construction to reduce impact upon neighbour amenity
- f) Conditions regarding potential Contamination and removal of existing buildings and materials and Local Air Quality as a result of dust during construction/demolition.

7.0 Planning Policy

Relevant development plan policies

7.1 In the case of *Wavendon Properties Ltd v SoS for Housing, Communities & Local Government plus Another* (June 2019, reference [2019] EWHC 1524 (Admin)), Mr Justice Dove made an important judgement on the correct interpretation of paragraph 11(d) of the National Planning Policy Framework (February 2019). Paragraph 11 (d) states:

“Plans and decisions should apply a presumption in favour of sustainable development...”

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

⁷ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

7.2 Paragraph 11(d) of the NPPF therefore has effect when there is not a five-year supply of deliverable housing sites. The most recently-published figure for Great Yarmouth Borough is that at 1st April 2018, which is 2.55 years, so this clearly applies to relevant planning applications in the Borough.

7.3 The implication of the Wavendon judgement is that there must: firstly be an assessment as to which policies of the Development Plan are most important for determining this planning application; secondly, an assessment as to whether each of these policies are, or are not, “out of date”; and thirdly, a conclusion as to whether, taken as whole, these most important policies are to be regarded as “out-of-date”. If,

taken as whole, they are regarded as “out-of-date”, then the “tilted balance” of NPPF paragraph 11 applies (for a refusal to be justified, the harms must “significantly and demonstrably outweigh the benefits...”). If, taken as a whole, they are not regarded as out-of-date, then the tilted balance does not apply.

7.4 Great Yarmouth Local Plan: Core Strategy 2013-2030 (adopted December 2015)

7.6 Local Planning Authorities must, by law prepare a development plan for their area to coordinate land use and new development. Great Yarmouth Borough Council's Local Plan directs where new development will take place across the plan area, describes what changes will occur and identifies how places will be shaped in the future.

7.7 The Core Strategy, which was adopted by the Council in December 2015, is the main document of the Great Yarmouth Borough Council Local Plan. It establishes the spatial vision and objectives of how the Borough (outside of the Broads Executive Area) will develop and grow in the future. It also sets out the series of strategic policies and site allocations, called ‘Core Policies’ and ‘Key Sites’ which provide the strategic context for future Local Plan Documents, Supplementary Planning documents and Neighbourhood (Development) Plans. The main emerging Local Plan document is the Part 2 Local Plan: Development Management Policies, Site Allocations and Revised Housing Target. Consultation on the First Draft (Regulation 18) version of the document was subject to public consultation, ending on 30th September in 2018. Subsequent work on the document is continuing.

7.8 Part 2 of the Local Plan will eventually replace the remaining saved policies from the Great Yarmouth Borough Wide Local Plan (2001) to provide the aims and objectives that affect the use of land and buildings.

7.9 The Core Strategy forms part of the Development Plan for the area, the starting point for decisions on planning applications. Core Strategy policies of most relevance to this application are discussed below; those not specifically mentioned may still be of some materiality, but are concluded to not be of particular importance.

7.10 **Policy CS1** supports the NPPF's presumption in favour of sustainable development, ensuring that the Council will take a positive approach working positively with applicants and other partners. In addition, the policy encourages proposals that comply with Policy CS1 and other policies within the Local Plan to be approved without delay unless other material considerations indicate otherwise.

7.11 Policy CS1 is an overarching policy and is concluded to be one of the most important Local Plan policies. It is concluded to be in conformity with the NPPF and

there is no evidence that it is out of date – all the key provisions still apply. **CS1 is therefore concluded to be in-date.**

7.12 Policy CS2 states that approximately 30% of all new residential development should be located in the named Primary Villages, of which Hemsby is one. The remaining part of this policy state that the Main Towns should deliver 35%, the Key Service Centres 30% and the Secondary and Tertiary Villages 5%. The policy wording allows for some flexibility in the percentage split, and clearly the application of this policy depends to a significant extent on the allocations being made (and thence delivered) in the emerging Local Plan Part 2.

7.13 Policy CS2 is designed to try to ensure that growth is delivered most sustainably, with the highest tiers of settlements receiving the most growth (commensurate with their access to services and ability to reduce travelling). However, whilst accepting that the emerging Local Plan Part 2 is not yet adopted, at present – with only a 2.55-year supply of deliverable housing land – it is difficult to argue that this policy remains fully up to-date and should continue to attract full planning weight. **Policy CS2 is therefore concluded to be out-of-date.**

7.14 Policy CS3 sets out criteria for ensuring a suitable mix of new homes. This includes ensuring that designed layout and density of new housing reflects the site and surrounding area. Policy CS3 also encourages all dwellings including small dwellings, to be designed with accessibility in mind providing flexible accommodation. Particularly relevant extracts are shown below:

a) Make provision for at least 7,140 new homes over the plan period. This will be achieved by (*extract only*):

- Focusing new development in accessible areas and those with the most capacity to accommodate new homes, in accordance with Policy CS2
- Ensuring the efficient use of land/sites including higher densities in appropriate locations

d) Ensure that new housing addresses local housing need by incorporating a range of different tenures, sizes and types of homes to create mixed and balanced communities. The precise requirements for tenure, size and type of housing units will be negotiated on a site-by-site basis, having regard to the Strategic Housing Market Assessment, Policy CS4 and the viability of individual sites

f) Encourage all dwellings, including small dwellings, to be designed with accessibility in mind, providing flexible accommodation that is accessible to all

and capable of adaptation to accommodate lifestyle changes, including the needs of the older generation and people with disabilities

g) 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 Policy CS12

7.15 Policy CS3 covers a range of general matters in relation to providing the right number, type, tenure and size of dwellings. The contents are concluded to be in conformity with the most relevant policies of the NPPF and **therefore Policy CS3 is concluded to be in-date.**

7.16 Policy CS4 sets out the policy requirements for delivering affordable housing. Sites of 5 dwellings or more in Hemsby are required to provide 20% affordable housing. For a site up to 190 dwellings (as proposed) this equates to 38 affordable dwellings. In accordance with Policy CS4, affordable housing should be provided on-site, and off-site financial contributions should only be used in exceptional circumstances.

7.17 Chapter 5 (in particular) of the NPPF sets out various statements on the importance of delivering affordable housing, and how this should be set out in Local Plan policies. Policy CS4 follows this approach, and **therefore Policy CS4 is concluded to be in-date.**

7.18 Policy CS6 relates to the local economy of Great Yarmouth specifically and supports the local retail economy in a need to continue to strengthen the local economy and make it less seasonally dependent. Of particular relevance to this application, clause g) says that aims of the policy will be achieved by “supporting the local visitor and retail economies in accordance with Policies CS7 and CS8”. Table 10 (paragraph 4.6.7) of the Core Strategy lists 17 safeguarded employment areas in the borough, but the Pontin’s site is not amongst them (indeed, no current or former holiday parks are); leisure and tourism is covered by Policy CS8,

7.19 Policy CS6 broadly follows the requirements set out in Chapter 6 of the NPPF for what planning policies to support a “strong, competitive economy” should be. It is therefore concluded **that Policy CS6 is in-date.**

7.20 Policy CS7 sets out the retail hierarchy defining the Borough’s town, district and local centres. Supporting the growth of retailing and other town centre uses is important for maintaining and enhancing the vitality and viability of those centres. Criterion f) seeks to ensure that proposals over 200 sqm (net) will be required to submit a Retail Impact Assessment demonstrating that that there will be no significant adverse impact on existing designated centres.

7.21 Paragraph 88 of the NPPF says that the sequential approach (to locating retail development) should not be applied to small-scale rural offices. Criterion f) of Policy CS7 covers this matter and so it is concluded **that Policy CS7 is in-date.**

7.22 Policy CS8 sets out the criteria to manage the changing scenery of the borough's tourism, leisure and cultural industry. Criteria b) should be specifically considered to ensure that safeguarding the existing stock of visitor holiday accommodation – especially those within designated holiday accommodation areas – is met, unless it can be demonstrated that the current use is not viable.

7.23 Policy CS9 sets out the broad design criteria used by the Council to assess applications. Criteria a), c), f), and h) should be specifically considered to ensure that the proposed design reinforces local character, promotes positive relationships between existing and new buildings and fulfils the day to day needs of residents including the incorporation of appropriate parking facilities, cycle storage and storage.

7.24 Policy CS11 sets out the Council's approach to enhancing the natural environment. Consideration should still be given as to how the design of the scheme has sought to avoid or reduce negative impacts on biodiversity and appropriately contributes to the creation of biodiversity in accordance with points f) and g). In addition criterion c) states that 'The Natura 2000 Sites Monitoring and Mitigation Strategy will secure the measures identified in the Habitat Regulation Assessment which are necessary to prevent adverse effects on European wildlife sites vulnerable to impacts from visitors'.

7.25 Policy CS14 states that all developments should be assessed to establish whether or not any infrastructure improvements are required to mitigate the impacts of the development. This includes seeking contributions towards Natura 2000 sites monitoring and mitigation measures e).

7.26 Policies Saved from Great Yarmouth Borough-Wide Local Plan 2001

7.27 The Saved Policies listed have all been assessed as being in general conformity with the NPPF, and add further information to the policies in the NPPF, while not contradicting it. These policies hold the greatest weight in the determining of planning applications.

7.28 Paragraph 213 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the Local Plan is to the policies in the NPPF the greater the weight that is given to the Local Plan policy. The Great Yarmouth Borough Wide Local Plan was adopted in 2001 and the most relevant policies were 'saved' in 2007. An assessment of policies was made during the

adoption of the Core Strategy December 2015 and these policies remain saved following the assessment and adoption.

7.29 HOU7: The site is beyond the settlement boundaries (Policy HOU7) therefore residential contrary to the 2001 Local Plan.

7.30 HOU9: A developer contribution will be sought as a planning obligation under the town and Country Planning Act 1990 to finance the early provision of facilities required as a direct consequence of the development

7.31 Policy TR4: states that proposals to change the use of tourist facilities, attractions or accommodations to non-tourist-related uses in Primary Holiday Accommodation and Primary Holiday Attraction areas will not be permitted

7.32 Policy TR11 The Council will permit development which improves the range of good quality holiday accommodation. However, within primary holiday accommodation areas, as shown on the proposals map, 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

(Objective: To satisfy visitor requirements and expectations.)

7.33 National Policy:- National Planning Policy Framework (NPPF), February 2019

7.34 Paragraph 1: The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

7.35 Paragraph 2: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

7.36 Paragraph 7: The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴.

7.37 Paragraph 8: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.38 Paragraph 11 (partial): Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1

7.39 Paragraph 48: Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

7. 40 Paragraph 55 : Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

7.41 Paragraph 59 :. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay

7.42 Paragraph 62: Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.

7.43 Paragraph 64. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- c) is proposed to be developed by people who wish to build or commission their own homes; or
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.

7.44 Paragraph 67. Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of: a) specific, deliverable sites for years one to five of the plan period³²; and

Paragraph 73(partial) Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old

7.45 Paragraph 76. To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. For major development involving the provision of housing, local planning authorities should also assess why any earlier grant of planning permission for a similar development on the same site did not start

7.46 Paragraph 86 : Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre

nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

7.47 Paragraph 87. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

7.48 Paragraph 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.49 Paragraph 117. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

7.50 Paragraph 170. Planning policies and decisions should contribute to and enhance the natural and local environment by: (partial)

7.51 Paragraph 174. a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁵⁶; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁵⁷; and b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

7.52 Paragraph 177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

7.53 Emerging policy – Local Plan Part 2

7.54 The Local Plan Part 2 (Development Management Policies, Site Allocations and Revised Housing Target) is in preparation. The Draft Plan (Regulation 18) consultation

ran from August to September 2018 and further work is continuing on this document. Given that the document is still in the preparation stage and it has not yet been submitted for examination, little planning weight can be given to the contents but “little” weight” does not mean “no” weight and so relevant extracts are included below.

7.55 Amendments to the Core Strategy Housing Target

Policy UCS3-dp

Reduction of Core Strategy Housing Target – Policy CS3(a) is amended to read:

“Strategic Policy: Make provision for at least 5139 new homes over the plan period...”

Policies For Places: Settlements and Site Allocations

Distribution of Housing Development

Meeting Overall Housing Needs

7.56 Core Strategy, Policy CS2 sets out the general distribution of housing growth across the plan area, seeking to concentrate the greatest proportion where it can benefit from and support facilities. The policy identifies a settlement hierarchy and intends the proportion of the total new residential growth is distributed between the tiers of the settlement hierarchy set out in the following table. Although this is by no means the sole criterion by which allocations were chosen, in fact those selected result in each tier of the hierarchy receiving an appropriate share, as set out in the table following.

7.57 Distribution of Housing Development

Settlement Hierarchy Tier	MAIN TOWNS	Approximately 35%	2,043	34.5%	KEY SERVICE CENTRES	Approximately 30%	1,774	29.9%	PRIMARY VILLAGES	Approximately 30%	1,784	30.1%	SECONDARY AND TERTIARY VILLAGES	Approximately 5%	328	5.5%	TOTAL	100%	5,929	100%
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7.58 Note that Core Strategy Policy C2 does not suggest that that housing growth should be split equally between each named settlement within the tiers of the hierarchy. The distribution provided by the Draft Plan instead reflects relative constraints and opportunities of the settlements in each tier, as shown in the relevant sections below

7.59 Hemsby Housing Allocations

7.50 Policy HY1-dp – Land at Former Pontins Holiday Camp Hemsby

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 190 dwellings together with elements of tourism uses and/or community facilities, subject to:

1. *Provision of safe and appropriate access to the satisfaction of the local highways authority, including:*
 - i. *Appropriate vehicular access to be taken off of Kings Way;*
 - ii. *Prohibiting vehicle access to Back Lane;*
 - iii. *Measures to integrate the site into the existing pedestrian footpath network*
2. *Provision a mix of housing types and sizes, including a minimum of 20% affordable dwellings to reflect the needs and character of the local residential area;*
3. *Retention of significant trees which contribute to the layout and character of the development;*
4. *Details of a surface water drainage scheme will need to be submitted and approved by the Local Lead Flood Authority. A suitable plan for the future maintenance and management of the SuDS should be included with the submission; and*
5. *Provision of details as to how the site will be decontaminated, specifically proposed treatment and disposal of asbestos material, to the satisfaction of the local environmental health service*

7.51 Norfolk County Council, as the Local Highway Authority, consider the access taken off of Kings Way to be acceptable for the estate scale type of development proposed. This would necessarily require improvements to the local highway network including the provision of a new roundabout, and strengthening the foot-way network. In addition, Norfolk County Council require Back Lane to be stopped up to normal traffic.

7.52 The demolition of the site is likely to lead to the release of asbestos, therefore the policy requires a decontamination strategy be submitted to, and approved by the Council's Environmental Health Department. The size of the site and the value created by the housing has the potential to provide a non-residential element to support the needs of local residents and particularly the tourism community eastwards of the site.

7.53 More generally there are a number of trees and mature planting on the site which are protected and should be retained within the overall landscaping and open space design of the site. Newport Road lies on the southern boundary of the site and has a history of surface water flooding, therefore the development of the site has the potential to significantly increase this risk. More generally, the surface water network in Hemsby has been identified as being at capacity, therefore the policy requires a sustainable drainage system (SuDS) to serve the new development to ensure that both the proposed development and neighbouring land uses are not significantly affected.

Camping and Touring Caravans

7.54 Policy L2-dp *Proposals for new or extended touring and static caravan sites and camping sites will be permitted provided that:*

- A. *It is within the designated Holiday Area;*

B. The proposal respects the scale, form, materials and design of any existing buildings and does not harm the character of the surrounding area including the setting of the Broads and Norfolk Coast Area of Outstanding Natural Beauty;

C. There is safe and convenient access to the highway and there are no significant adverse effect on the local highway network;

D. It would not have a significant adverse impact on the living conditions of adjoining occupiers;

E. Proposals are sited, designed and landscaped to minimise any adverse visual and landscape impact;

F: Extensions to existing sites will be favoured only where they also redress any significant environmental or visual deficiencies that are considered intrusive and must include environmental improvement to the existing site; and

G: Proposals which are granted planning permission will be conditioned to ensure they are used solely for holiday use and prohibit residential use.

7.55 Policy G1-dp Development limits

Development limits are defined on the Policies Map for the settlement, including some sites recently granted planning permission for residential development. Development proposals will generally be permitted within development limits where they are in accordance with policies of the Local Plan. Policy G1-dp (the second part of this policy in particular) addresses development proposals outside of development limits, where this lies within the Great Yarmouth plan area, which will be treated as the countryside or areas where new development will be more restricted, subject to the consideration of other relevant policies of the Local Plan.

7.56 Policy H12-dp,

“new residential developments will be expected to make provision for publicly accessible recreational open space to the following standards:

1.103 square metres per dwelling, comprising approximately:

i.24% for outdoor sport;

ii.18% for informal amenity green space;

iii.6% for suitably equipped children's play space;

iv.2% for allotments;

v.10% for parks and gardens; and,

vi.40% for accessible natural green space.

7.57 - 7.2.2.1 Policy Justification

This site was in use as a large holiday camp until its closure in 2009. It has since remained vacant. The former holiday chalets and other buildings and structures remain on site, though in a derelict condition and subject to continuing vandalism. Despite endeavours to encourage the reuse of the site for tourism, there now seems little prospect of this being achievable for the whole site. The redevelopment of the site would significantly enhance the visual amenity of the village, and make a significant contribution to the area's housing need in a popular location. The site is located centrally, and would be well integrated to the existing services and facilities in Hemsby, accessible by walking and cycling

8.0 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.

9.0 Habitat Regulations Assessment In consideration of the principle of the site for development considerable weight has to be given to the Conservation of Habitats and Species Regulations 2017.

The application site is in the vicinity of a number of Natura 2000 sites, including the Winterton and Horsey Dunes Special Area of Conservation (SAC) and North Denes Special Protection Area (SPA). "European" or "Natura 2000" sites are those that are designated for their wildlife interest(s) through the Conservation of Habitats and Species Regulations 2017, and constitute the most important wildlife and habitat sites within the European Union but also domestically in the NPPF and the potential impact of new development as put forward here on those designated areas has to be assessed and an Appropriate Assessment undertaken by the competent authority which is the Council as the local planning authority.

9.1 Paragraph 177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate

assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

9.2 The applicant has on both this and the original applications undertaken a shadow Habitat Regulation Assessment detailing their assessment of impact and suggested potential measures to address such effects. Natural England albeit with some reservation has confirmed their belief that the Council - following additional information being submitted for both on and offsite mitigation - as Competent Authority, has adequate information to carry out the Appropriate Assessment. This is consistent with the application as originally submitted.

9.3 The Council have also taken independent advice from a suitable qualified person on the submission which in summary concludes:

“Any increase in recreational pressure on Natura2000 sites is only likely to arise at Winterton – Horsey Dunes SAC and Great Yarmouth North Denes SPA.

Any increase in recreational pressure at these sites arising from this proposed development is likely to be small, relative to existing pressures.

- The beach will be a major draw to individuals from the proposed development site. The financial contribution to the Borough-wide HRA Monitoring and Mitigation fund would be the most appropriate measure to address any impacts.*
- Whilst the response by Natural England is noted, it is considered that the on-site and off-site accessible open space and routes as proposed may have the potential to result in a small reduction in recreation pressure on the Natura2000 sites. But even substantial increase in GI provision above the proposed levels would be unlikely to significantly lessen the draw of the beach or contain recreation to within or around the development site. The use of SANGS to divert recreational use away from a beach Natura2000 sites is not generally appropriate and is unlikely to be effective in this case.*
- In combination, the financial contribution to the Borough-wide HRA Monitoring and Mitigation fund and the on-site and off-site accessible open space and routes, will provide sufficient mitigation for the low level of potential impacts to enable this development to proceed lawfully.*

I am confident that the HRA Monitoring and Mitigation fund is capable of mitigating impacts on the East Coast Natura2000 sites. I am therefore of the opinion that Great Yarmouth Borough Council as the competent authority can ‘adopt’ the Shadow HRA produced by the applicant. The applicant would need to deliver the on-site and off-site

accessible open space and routes as proposed and make a suitable contribution to the HRA Monitoring and Mitigation fund.”

9.4 It is therefore assessment of the Local Planning Authority, as Competent Authority, that the application, if approved, will not adversely affect the integrity of Natura 2000 sites provided that the mitigation put forward in the Shadow HRA report and as set out above is secured. To meet the mitigation requirements the appropriate contribution is required to be secured by a legal obligation (S.106 agreement) and conditions both on and off site

9.5 it is important in the context of this application to acknowledge therefore that the tilted balance in favour of development of the site as set out in Para 177 does apply to the development.

10.0 Planning Appraisal

10.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires that decisions on planning applications must be made in accordance with the policies and proposals in the Development Plan, unless material considerations indicate otherwise. For the purpose of determining this planning application, the Development Plan should be considered as a whole, with appropriate weight applied to each of the policy documents which make up the Development Plan.

10.2 Under Section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

10.3 Currently as set above the Development Plan for Great Yarmouth comprises the Great Yarmouth Core Strategy Adopted December 2015 (Part 1) and saved policies from the Great Yarmouth Local Plan.2001. The relevant policies from the documents are set out above. In addition the relevant policies from the Draft Local Plan Part 2 which contains the Council’s emerging development management policies, proposed site allocations- including residential allocations - and revised housing target are also referred to. The Part 2 document has been subject to public consultation following approval by the Council Policy and Resources Committee. Representations to the proposals are currently being assessed by the Council.

10.4 In accordance with the NPPF, the policies in the emerging Publication Draft may be given weight according to the stage of preparation, extent of unresolved objections, and degree of consistency with the NPPF. The Council has received a number of objections to the allocation of this site for residential development and at present no weight can be attributed to its proposed allocation.

Material Considerations

10.5 Certain material considerations may outweigh policies in the adopted Development Plan, particularly where Development Plan Policies are out of date or have been superseded by National Planning Policy. For the purpose of determining this planning application, the main material considerations are described below

National Planning Policy Framework (NPPF)

10.6 The NPPF was originally published by the Government on 27 March 2012 and has been revised on two occasions (most recently February 2019) and is a material consideration of significant weight in the determination of this planning application.

10.7 The NPPF sets out the Government's planning policies for England and how it expects them to be applied (paragraph 1). The document when first introduced replaced and consolidates previous Government planning policy statements and guidance and introduces new considerations that may not be reflected by development plan policies.

10.8 The Great Yarmouth Core Strategy as adopted in December 2015 generally complies with the NPPF and the saved policies referred to above from the Great Yarmouth Borough Wide Local Plan 2001. It should be noted that the saved policies from the 2001 Local Plan including development boundaries were formulated in the 1990's – in other words they are somewhat dated and this alone limits the weight that can be afforded to them.

Five Year Housing Land Supply

10.9 Paragraph 73 of the NPPF requires local authorities to identify and annually update a supply of specific deliverable sites to provide a minimum of five years' worth of housing. An important factor when determining applications is therefore whether a Local Authority has the ability to demonstrate a 5-year housing land supply. If a Local Planning Authority cannot show that they are meeting this requirement, their policies with regards to residential development will be considered to be "out of date".

10.10 In the face of a failure to identify a supply of deliverable housing sites to meet short-term housing needs, paragraph 11(d) of the NPPF is unequivocal that policies which are most important for determining the application for the supply of housing should not be considered up to date. In such circumstances, paragraph 11 (d) (ii) advises that planning permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

10.11 At present the only a housing land supply of only 2.55 years can be demonstrated by the Council.

Principle of Development

10.12 This is an outline planning application which seeks to establish the principle of a residential led mixed use development on a brownfield site. It is evident from the consultation responses from statutory bodies that subject to conditions and planning obligations that the site can accommodate the principle of the development proposed without adversely impacting upon the infrastructure of the area, local amenity or natural ecological habitats. In this respect little has changed since the application was a considered by committee in February 2016.

10.13 The emerging Local Plan Part 2 has identified the site as appropriate for the development proposed giving an indication of the Council consideration of the site in terms of future development potential .The type and form of development proposed in this application echoes the proposed site allocation with the policy reasoning set out in the Draft Local Plan document and which is in part reproduced above. However, because this is still an emerging policy and there are outstanding objections to it, relatively little weight can be afforded to it as a material consideration.

10.14 In terms of the adopted development plan, the site is identified on the adopted Local Plan policies map as Prime Holiday accommodation.

10.15 The proposal is therefore contrary to saved Local Plan policies TR4 and TR11 (both reproduced above). Both are clear in terms of the loss of holiday accommodation.

10.16 Core Strategy Policy CS8 reiterates Policy TR4 with the proviso ‘unless it can be demonstrated that the current use is not viable’. The Core Strategy was adopted by the Council in December 2015 (well after 2001) and therefore any conflict between the two policies must be resolved in favour of Policy CS8 (paragraph 8.2 above) providing that criterion (b) is met, as set out in Section 38(5) of the Planning and Compulsory Purchase Act 2004.

10.17 The preamble to Policy CS8 states (in part) that in order to ensure the tourism sector remains strong, the Council and its partners will at criterion b) –

“Safeguard the existing stock of visitor holiday accommodation, especially those within designated holiday accommodation areas, **unless it can be demonstrated that the current use is not viable** or that the or that the loss of bed spaces will improve the standard of existing accommodation”.

10.18 The applicants have sought to demonstrate that the site is not viable for tourism use its current form, and nor has there been any viable interest (since they acquired the land) in the site for tourism use.

10.19 The site has been closed for (tourism) business since 2008. The applicants originally submitted a report and appraisal on the marketing of the site for tourism development in 2015. The conclusions of the report was that the site had been actively marketed and “that there does not appear to be a purchaser in the market who is able to put forward a credible bid to deliver a leisure-based use of whole or part of the site”.

10.20 One of the biggest criticisms from local residents and business and voiced at local public meetings was the lack of an advertised purchase price for the site. In many ways, however, this is appropriate as it may have acted as a disincentive to particular bidders if a specific price was being sought. This is not an unusual situation for a unique site – after all, there are no comparable “sold” prices for a former holiday camp of similar size in Hemsby (or, indeed, anywhere close by) so a clear market value is very difficult to judge. Not quoting publicly a specific guide price for a site can also assist in weeding out some “chancers” or timewasters, who have no serious intention or funds to acquire a site.

10.21 It is also not uncommon for the sale of large derelict commercial or tourism sites to be highly conditional (for example, dependent on whether a fresh planning permission is granted for a different use, and/or perhaps with an “overage” clause so that the selling owner could profit from any later uplift in value). In other words, a straight cash purchase would be unusual (but clearly not out of the question) and so a specific guide price could in any case be somewhat misleading.

10.22 The Planning Statement submitted with the current revised proposal states that since the application was submitted in 2015 the landowner has also continued to explore other expressions of interest in the site but has been unable to dispose of the site and that evidence indicates that there is no realistic potential for the site being brought forward for a tourism use.

10.23 Over the past three years Council planning officers have had a number of discussions with various parties potentially interested on taking the site and have sought to promote the site for tourism use but the interest has mainly come from those seeking to re-develop the site for mainly residential use.

10.24 One party was close to a purchase being interested in developing the site for a combination of holiday uses and residential uses. Northern Trust therefore suspended pursuing the current application because it seemed the site would be sold. This interest, however, came to nothing, with the interested party unable to obtain the necessary funding.

10.25 Local concern is also raised by the fact that the site has been put forward as a residential allocation in the emerging Local Plan Part 2 and is a proposed allocation in the Draft Plan (Regulation 18) consultation in 2018. It is a fact that Borough needs sites to deliver residential dwellings to accommodate the future housing need of the Borough. Hemsby, as outlined above, is one of six Primary Villages in the Borough identified as capable of accommodating 30% of the new residential dwellings up to 2030 (albeit that the emerging Draft Local Plan Part 2 proposes to amend the figure required from approximately 7,140 to 5,139 dwellings over the plan period).

10.26 The site is adjacent to the current village development limit in Hemsby and adjoins existing built development on some sides. As part of the “Call for Sites” of the Part 2 Local Plan, this site was put forward as a site for development by the applicants and was previously identified as a potential site for development in the Strategic Housing Land Availability Assessment in 2014 (published by the Council). The site then – as now – remains in single ownership and considered to be potentially suitable as development of a brownfield site and capable of accommodating up to 266 dwellings at a density of 30 dwellings per hectare.

10.27 In terms of site coverage the present residential proposal for 190 dwellings on the area shown would also potentially yield 30 dwellings per hectare.

10.28 The changes to the scheme since the 2015 submission and resolution of refusal (albeit one that was never officially confirmed) have been outlined above. Northern Trust has confirmed that there is interest in the part development of the site for tourism use and this has also been confirmed by other independent parties. This basically supports the previous view of the Committee that there was/is potential interest in static holiday caravans on the site and that part of the site should be retained for such a purpose. It is also of note that substantial investment in the Richardson’s holiday park site in Hemsby has taken place recently (and continues to take place) to enhance the tourism offer in the area.

10.29 It should also be noted that the NPPF encourages the effective use of land and sets out that decision making should:

‘give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs’, ‘promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively’, and ‘take a positive approach to applications for alternative uses’ – each of these is relevant to this site proposal for residential development, and should be given ‘substantial weight’. These factors should be taken into consideration.

Surface and Foul Water

10.30 Norfolk County Council as the Lead Flood Authority on Surface Water drainage have undertaken a comprehensive assessment of the applicants drainage strategy have no objection to the proposal subject to conditions

10.31 The site lies within the Hemsby Critical Drainage Catchment as identified in the Great Yarmouth Surface Water Management Plan and lies very close to an area that has previously flooded from surface water. A flood investigation was undertaken by Norfolk County Council as Lead Local Flood Authority in June 15 following a number of flood incidents to properties in 2014 To the immediate south of the site, 8 properties were internally flooded on Newport Road, with other householders experiencing significant external flooding. The reported flooding came from Blackmarket Lane and Newport Road as well as the application site.

10.32 According to the Environment Agency's updated Flood Map for Surface Water there are isolated areas within the that are at high to medium risk of surface water flooding (1 in 30 and 1 in 100 years flood event) associated with ponding behind the existing leisure building in the centre of the site. There are no surface water overland flow paths passing through the site. The remainder of the site is at low to very low risk of surface water flooding (less than 1 in 100 years).

10.33 There are no watercourses in the vicinity of the site that are formally identified in the Environment Agency's Detailed River Network. 6.24 Anglian Water records identify that there are no surface water sewers present in the vicinity of the site.

Trees

10.34 An Arboricultural Impact Assessment has been undertaken and submitted with the documents supporting the application

10.35 A tree survey was undertaken in July 2009 in connection with the 2011 planning application. Since then the trees have grown, succumbed and the British Standard on trees revised. In the meantime, the Council has served a Tree Preservation Order on a number of trees on the site.

10.36 The Tree Preservation Order (TPO) No. 6/2017 is applicable to a number of trees both individual trees and part of a group within the site. There is also an older TPO No.2/1984 on trees in the adjacent ownership standing the back gardens of properties in Homestead gardens which border the north east part of the site. The protected trees are mainly to the north and south of the site.

10.37 Within the site the tree population is diverse in age and species, reflecting its function as formal ornamental landscaping for the holiday centre and concentrated in the communal areas between residential blocks, interspersed with larger stature groups often on the perimeter, offering architectural structure and maturity to the

landscape setting of any proposed development and an element of mature screening along Kingsway.

10.38 Throughout the site are a number of mature hybrid black poplar, many of which have been subject to severe crown reduction in the past. These trees are now in poor condition, having suffered decay at the former pruning points and a number exhibit basal decay. Many are also host to Hornet Clearwing moth (*Sesia Apiformis*) evidenced by the numerous exit holes identified and research suggests that this moth will preferentially exploit already dysfunctional trees

10.39. Many of these have suffered from storm damage and require remedial surgery to ensure it remains safe to work in their immediate vicinity. A large number of trees would benefit from improved tree care, either through formative pruning, reducing competition or cleaning out dead, damaged or diseased branches. These are considered attractive landscape features, and most have been included in the TPO schedule for long term retention

10.40 There are a number of Category “A” and Category “B” trees, some of which are now protected by the TPO These trees are concentrated at either end of the site. The report recommends the retention of these trees which should be incorporated into the design of the proposed development where possible.

10.41 For clarification the British Standard (BS) on trees as referred to above is a means of assessing the quality of trees against a standardised criteria

10.42 Under the British Standard the main categories to which trees will be assigned are defined in the British Standard as:

10.43 Category A = Trees of high quality and value capable of making a significant contribution to the area for 40 or more years.

10.44 Category B = Trees of moderate quality or value capable of making a significant contribution to the area for 20 or more years.

10. 45 Category C = Trees of low quality, adequate for retention for a minimum of 10 years expecting new planting to take place; or young trees that are less than 15 cms in diameter which should be considered for re-planting where they impinge significantly on the proposed development.

10.46 Category U = Deemed to be of no value within 10 years of the assessment and should be removed. (Category U trees can have existing or potential conservation value which it might be desirable to preserve) ;

10.47 Also, trees in categories A, B, and C will be assigned at least one sub-category relating to distinct values:

1. Arboricultural values;
2. Landscape values;
3. Cultural values, including conservation.

A tree may be considered worthy of one, two or all three of these sub-categories.

10.48 The BS recommends that except for trees deemed to fall into category R, for removal, it should be assumed that a tree will fall into the high category and be deserving of the greatest protection and of retention unless there are reasons for the tree to be assigned to a lower category.

10.49 Some trees will be lost given that the surface water filtration basin must be located in the area where the trees are most dense, including some trees protected by the TPO. The trees to be removed are not considered to merit a category A grade, having minor irremediable defects which may reduce their future contribution or being of poor form such as to reduce their landscape contribution.

10.50 More widely spread throughout the site are a large number of lower quality category C trees, which do not merit a higher grading due to their smaller stature or irremediable defects compromising their longevity. These lower grade Category C trees should not constrain development.

10.51 It is recommended that those trees with a limited future useful life expectancy, and imminent hazard liability, are removed at an early stage of the re-development and replacement landscaping provided which can be designed to be more in harmony with the development.

10.52 There is a much demolition work required, both for the removal of the existing buildings and structures but also the wide diversity of surfacing and materials. It is considered to be wholly impractical to retain trees in very close proximity to structures being removed.

10.53 Many trees on the site have suffered damage in high winds with many having broken limbs and several being partially uprooted. If continued to be left untended, this storm damage will reduce the future contribution of the trees allowing decay to become established. In mitigation of any tree losses, a full programme of tree care and management is proposed to rectify storm damage and remove hazards. A detailed tree care plan will have the potential to secure the long term future of the retained trees. In parallel a programme of replacement planting will be included in the detailed landscaping proposals. This will help to further diversify the age structure of the tree

population and enable further resilience to be built into the tree population so that it may be more resistant to the changing environment.

10.54 Below is a summary of the trees on the site as assessed in accordance with the British Standard Quality Assessment and the trees identified to be removed in the report and on site

Table 1 –Quality assessment of trees recorded in survey in accordance with BS5837:2012

	Trees	Groups	Hedges	TOTALS	To be removed
Category U	16	2	0	18	18
Category A	1	7	0	8	0
Category B	27	6	0	33	6
Category C	49	20	0	69	5
TOTALS	93	35	0	128	29

10.55 The report informs both the developers and the Council on the arboriculture constraints on the site whereby a suitable design for development of the site can be proposed. The report anticipates that a detailed Arboricultural Method Statement will be required by the Council once a final layout has been adopted. For clarification this would be at the detailed or reserved matters stage following the grant of an outline planning permission on the site.

10.56 Recommended root protection areas are mapped in the report which states that wherever possible construction activities should be avoided within root protection areas (RPA), except as indicated in the detailed method statement. Based on the proposed site plan and subject to suitable tree protection measures, the authors of the report consider that the development can be accommodated whilst minimising the impacts on the arboricultural interest of the site.

10.57 The adviser to the Council on trees confirms agreement with the findings of the report and confirms that the new access arrangements to the site involves the removal that are not subject to the Tree Protection Order and of poor quality. Conditions as suggested in the report are recommended along with a requirement for full landscaping details as identified in the indicative master plan submitted with the application.

Ecology

10.58 An ecological assessment of the site, including bat and breeding bird surveys, was originally carried out in 2009 by The Ecology Partnership when the site was first closed. An additional Phase 1 scoping survey was completed by Norfolk Wildlife Services on 2 September 2014 with further reptile and nocturnal bat surveys between September and October 2014. A re-survey was completed by Norfolk Wildlife Services on 20 September 2016 to determine any significant changes since the 2014 survey. The site remained substantially unchanged.

10.59 In summary the report concludes that the site had become more overgrown at the time of the with extensive areas for foraging, basking and hibernating for many common reptile species. It is considered that reptiles could have moved into the site since surveys were completed in 2014. Reptiles, if present, could be killed/injured during site clearance works. The trees, scrub and hedgerows provide good nesting habitat for birds, and a lot of bird activity was noted during the 2018 survey. Birds may be harmed, or active nests destroyed if the site is cleared within the bird breeding season.

10.60 The site is assessed as having good foraging potential for bats, with some roosting opportunities for common bat species within trees and some of the buildings. Bats, if present, could be killed/injured or roosts destroyed during re-development works.

10.61 It is recommended that the site is cleared outside the breeding bird season, else the site should be checked for evidence of nesting birds before work commences. It is recommended that further reptile surveys are undertaken on the site. Any mitigation for reptiles will be determined following further survey.

10.62 It is recommended that bat transects carried out in 2014 are repeated. Any trees identified as having moderate bat potential and to be felled will require either an aerial inspection of potential roost features or have two nocturnal surveys. Any mitigation including licensing requirements for bats will be identified following further survey.

10.63 Should any trees identified as having low bat potential require removal, these should be soft felled with cut timber left for 24 hours. Root protection zones of any retained trees or hedgerows should be protected from accidental damage during re-development

10.64 The site could be enhanced for wildlife by the provision of bat and bird boxes, the creation of hedgerows, pond and other accessible natural green spaces.

Enhancement

10.65 The Natural Environment and Rural Communities Act 2006 (NERC) came into force on 1 October 2006. Under Section 40 of the Act, all public bodies (including planning authorities) now have a legal duty to consider biodiversity in their work. As such, in order to increase the likely success of any planning application, consideration should be given to enhancing the biodiversity value of the site following redevelopment.

10.66 Within the site plans there may be potential to enhance the area by:

- ☐ creating accessible natural green spaces within the development, including creating wildflower areas and potentially wetland areas within any infiltration drainage basins;
- ☐ creating a network of wide double planted mixed native hedgerows around the perimeter of the site with no external lighting;
- ☐ using native plants, trees and shrubs within specifications for any soft landscaping of the site;
- ☐ placing 30 bird boxes and cavities of varying designs within the building designs;
- ☐ providing 10 roosting sites for bats within eaves of buildings, and creating dark corridors for them within the masterplan.

Conservation of Habitats and Species Regulations 2017

10.67 The applicant has on both this and the original applications undertaken a shadow Habitat Regulation Assessment detailing their assessment of impact and suggested potential measures to address such effects. Natural England albeit with some reservation has confirmed their belief that the Council - following additional information being submitted for both on and offsite mitigation - as Competent Authority, has adequate information to carry out the Appropriate Assessment. This is consistent with the application as originally submitted.

Highways

10.68 Norfolk County Council as the highway authority have no objection to the proposals subject to the conditions referred to above.

Education

10.69 Norfolk County Council expects 190 dwellings to generate 18 Early Education age children (2-4) and 50 primary age children (4-11) (apologies, the schedule didn't state the number of children expected from the proposed development and the number of school places required). The response from the County Council also confirms that their response takes into account the permitted planning applications in area.

10.70 A total of 332 dwellings (including this site) would generate an additional 32 Early Education (2-4 year old) children, an additional 87 Primary school age (4-11) children, and an additional 57 High school age (11-16) children there would not be sufficient capacity in the Primary sector and funding for additional school places in the Primary sector would be required.

10.71 The Early Education sector would also be full and funding would be sought to accommodate the children generated from this proposed development should it be approved.

10.72 It is considered that the 190 dwellings will put pressure on the local primary school and Hemsby Primary school cannot be expanded on its current site. The next nearest primary schools are Ormesby Village Infant and Ormesby Junior. Some children who live in the Hemsby catchment do choose to attend other schools such as Ormesby and this pattern may have to continue should there not be sufficient capacity for children from this development at Hemsby Primary School.

10.73 The infant and junior figures for per place and per dwelling which would amount to:

a) Cost per place: = Infant ($190 \times 0.122 = 23$ places) $\text{£}11,644 \times 23$ places = $\text{£}267,812$

b) Junior ($190 \times 0.139 = 26$ places) $\text{£}11,644 \times 26$ places = $\text{£}302,744$

Total = $\text{£}570,556 + \text{£}209,592$ for Early Education places = $\text{£}780,148$

b) Cost per dwelling: Infant = $190 \times \text{£}1,420 = \text{£}269,800$

Junior = $190 \times \text{£}1,619 = \text{£}307,610$

Total = $\text{£}577,410 + \text{£}212,420$ for Early Education = $\text{£}789,830$

Retail

10.74 In support of the proposal the applicants have submitted a Retail Impact Assessment in accordance with the requirements of Policy CS7 of the Core Strategy relates specifically to retail development in the Borough.

10.75 The retail element of the proposal has been modified since the original submission. and is accompanied by a Retail Impact Assessment as required by Policy CS7 of the Core Strategy The application seeks a flexible consent for a range of uses consisting of A1 to A3 uses and the applicants consider that this proposal will provide proportionate new shopping facilities in Hemsby,

10.76 CS7 sets out the retail hierarchy for the borough. The borough's town and local centres have been arranged into a hierarchy to signal their importance and role they play in the borough.

10.77 In a justification of the hierarchy, Core Strategy policy CS7 identifies larger centres such as Great Yarmouth, Gorleston-on-Sea and Caister-on-Sea as being more accessible, having a wider catchment and are appropriate locations for large developments that will attract a lot more people.

10.78 Paragraph 4.7.10 of policy CS7 identifies that Local Centres will be defined or allocated in the Development Policies and Allocations DPD. Presently there is no Local Centre's identified or designated in the Local Plan.

10.79 The net retail floorspace of the proposal is in excess of the 200 sqm threshold set out in Policy CS7. The council's main concern in applying this threshold relates to the protection of Great Yarmouth Town Centre in respect of large food stores and the out migration of town centre occupiers to out of centre locations.

10.80 Policy CS7 highlights the council's focus on strengthening and improving the existing shopping offer within local centres, highlighting the potential to accommodate additional retail facilities. It also identifies a requirement for additional retail floorspace in the Borough of up to 13,000sqm net up to 2031

10.81 The Retail Impact Assessment has been undertaken on the basis of NPPF and guidance outlined in National Planning Policy Guidance(NNPG). Guidance in NPPG identifies that the Impact Assessment should be undertaken in a proportionate and locally appropriate way drawing on existing information wherever possible

10.82 The impact of the proposal can only be considered against existing designated centres, as those are the centres which are protected under policy set out in the NPPF. As such any impact considered can only relate to Caister-on-Sea, Gorleston-on-Sea or Great Yarmouth

10.83 The assessment which is based mainly on the council on data concludes that the maximum impact from the proposed convenience store on the three designated centres combined would amount to less than 2 percent and this would be on the basis of 100 percent of the proposed store's turnover being drawn entirely from the three designated centres.

10.84 It is also of note that the emerging draft policy in the Local Plan Part 2 Policy R!- on the Location of Retail development does not define or allocate retail areas in areas such as Hemsby but does refer to retail proposals being within approximately 300m of existing retail sites which this proposal is. Within the Core Strategy CS7 there is recognition of the role that local shopping plays in providing for the day to day needs of local communities.

10.85 In assessing the impact of the development it is considered that this proposal will provide proportionate new shopping facilities in Hemsby, contributing towards the Council's overall retail requirement in accordance with Policy CS7 and the overall sustainability of the village.

Holiday use

10.86 The application includes two hectares (4.8 acres) of land for holiday accommodation for the form of approximately 50 static caravans. This accords with the Committees ambition to retain a tourism related use on the on the site and in accordance with the local plan proposals maps subject to the final layout and landscaping of the site

11.0 Planning Balance

11.1 As there is no five-year housing land supply, the tests of paragraph 11 of the NPPF need to be considered. As detailed above in the report, as the case officer I have undertaken a careful analysis of all the Development Plan policies, assessing firstly, as a matter of my planning judgement, which are the most important policies for the determining the application.

11.2 As a reasonably large proposal on a brownfield site within Hemsby, and close to an internationally designated nature conservation site, many different Development Plan policies are (to a greater or lesser degree) relevant to the determination, and these are discussed above. However, as a proposal for a housing-dominated re-development of a site formerly in use as a holiday camp (and which lies within a designated Holiday Area in the current Development Plan), my judgement is that the policies most important to the determination of this planning application are: i) those relating to the principle, location and scale of new housing; and ii) those relating to the principle of the re-development of the site (for non-tourism use).

11.3 It is very important to note that my judgement on which are the most important policies and whether they are (or are not) out-of-date is specific to this particular application. Planning judgements must be made for each different planning applications, as each planning application must be determined on its individual merits.

11.4 I have concluded, as a matter of my planning judgement, that Policy CS2 (*Achieving Sustainable Growth*) is out-of-date. Notwithstanding that the Local Plan Part 2, which will allocate non-strategic housing sites to try to meet the overall housing need using the settlement hierarchy apportionment, is not yet adopted, with a 2.55-year housing land supply (a very significant shortfall) I do not believe that this policy can be concluded to be up-to-date.

11.5 Similarly, I have concluded that 'saved' Policy HOU7 (which says that new residential development will be permitted within settlement boundaries, and by extension that such development will not be permitted outside boundaries) is out-of-date because there is only a 2.55-year housing land supply. The age of this policy (dating from 2001) also militates against this policy being in-date, but the lack of housing land supply alone is sufficient to justify this, in my judgement.

11.6 I have concluded, as a matter of my planning judgement, that 'saved' Local Plan Policy TR4 (*Tourist facilities, attractions and accommodations*) is out-of-date. The area of land in Hemsby covered in the Prime Holiday Accommodation Area (as shown on the Policies Map (North)) is considerable, encompassing many different holiday parks and caravan areas (including the application site). It is important to note however, as detailed above, that Core Strategy Policy CS8 has caveated parts of Policy TR4. In particular, the introduction of a Part b) of the CS8 allows the re-development of visitor holiday accommodation areas "unless it can be demonstrated that the current use is not viable".

11.7 I have concluded, as a matter of my planning judgement, that 'saved' Local Plan Policy TR11 (*Loss and improvement of holiday accommodation*) is out-of-date. This is largely because of the same reasons as Policy TR4, (in particular the implications of part b) of CS8) given above.

11.8 In my overall professional judgement, the most important policies for the determination of this planning application overall are all out-of-date and therefore the "tilted balance" applies – for a refusal to be justified, the harms of the development must significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

11.9 It is evident from the consultation responses from the statutory bodies that, subject the various conditions requested by the various parties, there is little planning reason to recommend refusal of the current proposal on any technical grounds. In this regard little has changed since the application was originally considered by the Committee.

11.10 In terms of the Council's need to demonstrate a five-year housing supply as required by the NPPF, the latest figures show that the Council can only demonstrate a 2.55 year supply. Whilst this is an outline planning application only i.e. seeking the

establish the principle of development and means of access the applicants submit that the site can be delivered.

11.11 In consideration of the planning policies and guidance set out above Policies TR4 and CS8 seek to safeguard existing tourism sites as shown on the Local Plan Proposals Map with CS8 having the caveat in criterion b)" unless it can be demonstrated that the current use is not viable"

11.12 Under Section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

11.13 In this instance the greater weight should therefore be given to Policy CS8 adopted in December 2015 in comparison with saved policy TR4, which was adopted as part of the 2001 Local Plan. The applicants have shown that the site has been marketed for a tourism related use. Where interest has been shown the prospective purchasers have been unable to fund the purchase. The applicants are considered to have demonstrated in compliance with criterion b) that the current use is not viable as whole.

11.14 In terms Conservation of Habitats and Species Regulations 2017, the assessment of the Local Planning Authority, as Competent Authority, is that the application, if approved, will not adversely affect the integrity of Natura 2000 sites provided that the mitigation put forward in the Shadow HRA report and as set out above is secured. To meet the mitigation requirements the appropriate contribution is required to be secured by a legal obligation (S.106 agreement) and conditions for both on- and off-site improvements.

11.15 It is important in the context of this application to acknowledge and reiterate that the tilted balance in favour of development of the site as set out in Para 177 therefore does apply to the development.

11.16 The site is considered to be located in a sustainable location adjacent to residential properties and subject to the reserved matters being submitted as part of a further application it is considered that the site can be developed without adversely impacting about the character and visual amenity of the area.

11.17 Local concern has also been raised regarding the potential loss of employment opportunities associated with the existing use of the site and reduction in the tourism offer. The proposals here do offer potential employment opportunities however it is acknowledged the number of jobs to be created are not known at present.

11.18 In weighing the material considerations in this application considerable weight must be given to Paragraph 11 (d) of the National Planning Policy Framework (the Framework) states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits. Footnote 7 states that “this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

11.19 In reviewing the revised proposals overall in planning terms the applicants have addressed a number of the previous concerns identified by the Committee. The proposal would be of social benefit in terms of the provision of market and 20% affordable housing. This would contribute towards the housing supply shortfall and provide for needed affordable homes for the reasons set out above.

11.20 The development would also be of economic benefit to the area in terms of employment during construction and the expenditure of future residents. In addition, there would also be other public benefits in terms of new footway and crossing, bus stop improvements and public open space provision within the site

11.21 As is evident from the representation from Hemsby Parish Council, local residents, local Councillors and Member of Parliament there remains considerable opposition to this proposal and the potential loss the site for tourism both to Hemsby and the area. One ground of objection made by the Parish Council is that it would be premature, in plan-making terms, to grant the application. However, paragraph 50 of the NPPF says that “*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination...*” and paragraph 49 says: “*However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

11.22 It is my judgement that the current proposal is not particularly substantial, and it would not undermine the plan-making process, and the emerging Part 2 Local Plan

cannot be argued to be at an advanced stage either, as it has not been submitted for examination. Therefore very little weight can be afforded to this factor.

11.23 However, in applying the “tilted balance” (the presumption in favour of sustainable development), very few harms have been identified against the policies in the NPPF taken as a whole (see above in the report). There is general conformity with those policies covering (for example);

- transport/traffic;
- housing need, including affordable housing;
- ecology generally, including impact on internationally designated nature conservation sites;
- impact on trees;
- effective use of brownfield land;
- drainage and flood issues

11.25 Any harms identified against the NPPF as a whole therefore do not significantly and demonstrably outweigh the benefits of the proposal and so weigh heavily in favour of the proposal.

11.26 Even if it was concluded that the “tilted balance” was not to apply (i.e. the most important policies for determining the planning application, overall, were concluded not to be out-of-date), in planning terms my judgement, when considering the overall planning balance, is that the weight is firmly in favour of the proposed development, for the reasons set out in this report

11.27 In summary, the proposal would enable a site which has been derelict for nearly 10 years (and is getting in an ever-worse state as time goes by), with seemingly very little prospect of being viably re-occupied or re-developed for largely tourism use, to be re-developed to provide much-needed housing (market and affordable), along with some space for tourism caravans. No significant harms have been identified, and where harms exist, it is concluded that they can be satisfactorily controlled through planning conditions or the S106 legal agreement.

12.0 Section 106 of the Town and Country Planning Act 1990

Planning Obligation proposed Heads of Terms to mitigate the impacts of the development, the following Heads of Terms have been proposed

- Affordable Housing;
- Education Contribution
- Library Facilities; contribution
- Fire Service;
- Affordable Housing
- Open space provision/contribution

- Habitats Mitigation payment per dwelling
- Management plan for surface water drainage and open space i
- On and offsite green infrastructure

13.0 Conclusion

13.1 The proposal is considered to comply with policy HOU9 of the Great Yarmouth Borough-Wide Local Plan 2001 and policies CS1, CS3, CS4, CS6 CS7 and CS8 of the Core Strategy and the National Planning Policy Framework material considerations that are considered to - in this instance - outweigh conflict with Policy TR4 and TR11 of the Great Yarmouth Borough Wide Local Plan 2001.

14.0 Recommendation

14.1 APPROVE subject to conditions required to provide a satisfactory form of development as outlined and referred to above and the completion of a Section 106 Agreement for the provision of affordable housing, library books, green infrastructure provision, Natura 2000 mitigation including financial as outline in the report, play space and maintenance provision and highway requirements.

Gemma Manthorpe
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
Norfolk
NR30 2QF

NCC contact number: 0344 800 8020
Text Relay - 18001 0344 800 8020

Your Ref: 06/15/0441/O
Date: 16 October 2018

My Ref: 9/6/15/0441
Tel No.: 01603 223272
Email: david.wilson@norfolk.gov.uk

Dear Gemma,

Re-development of the site for up to 200 dwellings and community/commercial facilities, together with associated public open space and landscaping. Beach Road (Former Pontins Holiday Centre), Hemsby, GREAT YARMOUTH. NR29 4HL.

Thank you for consulting the Highway Authority concerning the above outline application with all matters reserved except access. All supporting information has been considered.

The mitigation package proposed by the developer includes a push button controlled pedestrian crossing at Kings Way, adjacent to the footpath that connects to the Barleycroft estate. The package also includes two bus stops with shelters, along with improvements to and widening of the east side footway. A bus shelter will also be provided at Beach Road along with improvements to the south footway. The development will have a Travel Plan secured by condition and will need a performance Bond secured by S106 Agreement.

In light of the above agreed mitigation package the Highway Authority recommends no objection subject to the following suggested conditions and completion of the above mentioned S106 Agreement.

SHC 01: No works shall commence on the site until such time as detailed plans of the roads, footways, cycleways, street lighting, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.

Reason: This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.

SHC 02: Prior to the construction/occupation of the final dwelling all works shall be carried out on roads/footways/cycleways/street lighting/foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.

SHC 03A: Before any dwelling is first occupied the road(s)/footway(s)/cycleway(s) shall be constructed to binder course surfacing level from the dwelling/industrial unit to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory development of the site.

SHC 03B: All footway(s) and cycleway(s) shall be fully surfaced in accordance with a phasing plan to be approved in writing prior to the commencement of development by the Local Planning Authority.

Reason: To ensure satisfactory development of the site.

SHC 08: Vehicular/pedestrian/cyclist access to and egress from the adjoining highway shall be limited to the access(s) shown on the Masterplan, Drawing No. 7873-12 Rev G only. Any other access or egress shall be permanently closed, and the footway/highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority concurrently with the bringing into use of the new access.

Reason: In the interests of highway safety.

SHC 16: Prior to the first occupation/use of the development hereby permitted, visibility splays measuring 2.4 metres x 43 metres shall be provided to each side of the access where it meets the highway at Beach Road and visibility splays measuring 4.5 metres x 120 metres shall be provided to each side of the accesses where they meet the highway at Kings Way. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with the principles of the NPPF.

SHC 20: Prior to the first occupation of the development hereby permitted the proposed access/on-site car and cycle parking/servicing/loading/unloading/turning/waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

SHC 21: 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.

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

SHC 22: 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.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development.

SHC 23A: 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.

Reason: 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.

SHC 23B: 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.

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

SHC 32A (as amended): Notwithstanding the details indicated on the submitted drawings no works above slab level 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 No.(s) 680-03/101, 680-03/102 and 680-03/103A have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

SHC 32B: 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.

Reason: To ensure that the highway network is adequate to cater for the development proposed.

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.

Commutated Sum for Travel Plans

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 monitoring charge 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 monitoring 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.

Inf. 7: Street lighting is a concurrent power of the County, District and Parish Councils. However, it is the County Council after consultation with the Local Lighting Authority (District or Parish Council) who decides whether street lighting is required on proposed public highways. Norfolk County Council will challenge any automatic assumption that street lighting needs to be provided on part or all of the new development.

Inf 9: The applicant is advised that to discharge condition SHC 00 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or 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 applicants 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.

If you have any queries regarding the above, please do not hesitate to contact me.



**Greater Yarmouth Tourism and Business
Improvement Area Ltd.**

c/o Maritime House,
25 Marine Parade,
Great Yarmouth,
NR30 2EN

Tel 01493 846492 – 24 hour voicemail
www.great-yarmouth.co.uk
www.gyta.com

Planning Services, Development Control
Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
NR30 2QF

2nd July 2018

Dear Sir/Madam

PLANNING APPLICATION No 06/15/0441/O

**Demolition of existing buildings & redevelop site up to 190 dwellings,
retail development, holiday accommodation, open space & landscaping
at former Pontins Holiday Centre, Beach Road, Hemsby, Great Yarmouth**

Thank you for giving the Greater Yarmouth Tourism & Business Improvement Area (GYTABIA) an opportunity to comment on the above planning application.

The GYTABIAA works with its 1200 levy payers to enhance the local economy through a series of interventions ie events, marketing campaign, landscape improvements.

Hemsby contains a significant number of visitor beds which remain important not only to Hemsby but also to tourism businesses throughout the Borough of Great Yarmouth and indeed Norfolk and parts of northern Suffolk.

The GYTABIA Board of Directors has grave concerns about any erosion of policies that protect the tourism industry and its visitor accommodation stock.

Whilst the current state of the former Pontins site adds nothing to the appeal of Hemsby, the conversion to residential dwellings will merely seek to confirm the eroding of the nature and ambience of this key tourist area and the move away from the core values of a holiday resort.

The tourism industry generates over half a billion pounds a year to the economy of Greater Yarmouth and the self-catering sector generates a significant proportion of this wealth.

TOURISM



Hemsby continue to attract investment, most recently Richardson's Group, the family-run business, has further boosted local tourism with a £20m announcement of plans for a 260 room hotel on the current Seacroft site and the replacement of existing chalets at Hemsby Beach Holiday Park with 252 new static caravans and 15 lodges. A true testament of the confidence in Hemsby as a visitor destination.

In May 2010, in their report on Great Yarmouth Employment Study, Bones Wells Urbecon (Economics and Planning Consultants) noted that:
"Caravans and chalets provide the great majority of tourism accommodation in Great Yarmouth and, accordingly, constitute the mainstay of the Borough's tourism sector, by volume and value. Most of the capacity is located along the coast north of the Yarmouth in villages like Hemsby and Caister, with some located south and inland." (Section 4.3, Page 49)

They also noted that:
"The stock has been affected by recent closures e.g. 3,000 beds at Pontins with a loss of 55 jobs" (page 49)

Bone Wells Urbecon went on to comment that:
"Large scale closures such as Pontins are grounds for concern about the long term health of Yarmouth's core tourism market, despite the recent positive trend in visitor numbers by a number of operators" (page 50)

Finally Bone Wells Urbecon concluded with the following two scenarios – depicting an optimistic and a pessimistic outlook.

Optimistic scenario

Continuation of "staycation" trend fuelled by low pound, low growth in disposable income, rising cost of air fares and hassle of air travel, and a series of good summers in England leads to growing demand for the seaside holiday park/village and caravan rental product, plus success in extending the season by attracting short breaks and special events. Operators continue to invest and raise standards, with modest additions to bed capacity. Employment growth by 25% over 5 years (c. 500) is possible.

Pessimistic scenario

Pound strengthens, flights remain competitive, recovery in income growth, and a series of bad summers in England put paid to the "staycation" trend. Tax changes damage viability and operators are discouraged from investing, some capacity is lost with sell off of caravans and chalets to private owners and possibly some sites closing or redeveloped for housing. Employment could decline by 25% (c. 500) over 5 yrs.

Clearly these two scenarios will be significantly influenced by the outcome of the planning application to convert the former Pontins site into private dwellings.

The impact of the loss of this strategically important site would create a precarious situation which could result in the speedy decline of Hemsby as a visitor destination. Furthermore the repercussions would be felt throughout the Borough of Great Yarmouth and throughout Norfolk.

The GYTABIA objects in the strongest terms to this proposal which could set a dangerous precedent prompt further loss of visitor accommodation.

Yours faithfully,



Karen Youngs
Project Manager
Greater Yarmouth Tourism & Business Improvement Area.



Rt Hon. Brandon Lewis MP
Member of Parliament for Great Yarmouth

Office of Rt Hon. Brandon Lewis MP
20 Church Plain
Great Yarmouth
Norfolk
NR30 1NE

Application Reference: 06/15/0441/O

3rd July 2018

Dear Mr Minns,

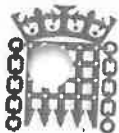
I am writing to comment on the above application in my capacity as the elected Member of Parliament for Great Yarmouth, which includes the village of Hemsby.

Before commenting on the application in detail, I will set out a number of general observations in relation to the former Pontins site and the application. Hemsby is a vibrant village, with a strong community atmosphere, and, largely within the Beach Road and Newport area, retains a strong and proactive tourist industry. However, one of the most pertinent issues raised by local residents is the need to find a solution to the ever-decaying former Pontins site. There is considerable will amongst the local people, to find a long term solution to the site, however that does not necessarily mean that this application is the correct one.

It is clear to me that the majority of the local community wish for the site to be retained for tourist use. This has been evidenced by the strength of local opposition to previous applications, and also more recently when I conducted a community survey in the village. This resulted in an absolute majority backing the retention of tourism use on the site. As such, whilst I agree with the applicant's assertion that the village wants to see a positive future for the former Pontins site, it is clear that the villagers and applicants do not share the same definition of 'positive' in this case.

The former Pontins site remains the last large scale site between the large residential area of the village and the Beach Road/Newport Road holiday facilities, and as such is the most logical and viable area for any growth in the tourist offer of Hemsby. Significant sums have recently been invested in Hemsby by local businessmen. This, when combined with a number of other recent positive developments within the borough's tourism industry, suggests to me that the viability of possible tourism uses is currently increasing, and the land could still be used for an employment related purpose.

Email: office@brandonlewis.co
Telephone: 01493 854550



I should also make it clear that I am not opposed to development or housing construction. I fully appreciate the need for more good quality homes to be built within our borough, and also agree that there are many locations within our rural communities, where housing developments are appropriate and needed. However, that does not extend to blanket approval for all sites without consideration of the wider context of the borough's local plan and potential impact on other tourism location within Hemsby and the borough.

Turning to the application itself, in its current form, I am unable to support it. The application would reduce the amount of land potentially available to tourism by over 75%, which is simply unsatisfactory to the local community. As I understand it the application area is still designated for tourism use and I strongly feel that the potential precedent set by this application could have negative longer term consequences for the borough.

This application is contrary to several aspects of Section 8 of the Core Strategy (promoting tourism, leisure and culture). In addition, I don't believe its development as a housing site is necessary to fulfil the council's housing supply requirements. The Core Strategy Section 2 (sustainable growth), clearly states that development in the first instance should be focused on the Main Towns and Key Service Centres, rather than Primary Villages such as Hemsby. Of the proportion of housing projected for the Primary Villages, I feel that this should be evenly, where possible, distributed amongst the villages and the inclusion of this application could place disproportionate and frontloaded development within Hemsby.

In summary, this application, if approved, would result in a significant reduction in the potential bed capacity of the Hemsby Tourism Industry, act as a hindrance to future development of the Beach Road/Newport Road tourism hub, and place disproportionate development in a single Primary Village. As such I hope that the Committee is minded to stand up for local residents and reject this application.

Yours sincerely,

Rt Hon Brandon Lewis MP

Member of Parliament for Great Yarmouth

Email: office@brandonlewis.co
Telephone: 01493 854550

A/C 29/615
COTTAGE.

ACK 22/6/18

Great Yarmouth Borough Council

22 JUN 2018

Customer Services

HEMSBY
Norfolk NR29 4EZ

WITHOUT PREJUDICE

20th JUNE 2018

GT YARMOUTH BOROUGH COUNCIL

TOWN HALL

GT YARMOUTH NR30 2QF

Great Yarmouth
Borough Council

22 JUN 2018

Planning
Department

Dear Sirs,

RE: Planning Application on Former Pontins Site 06/15/0441/0

I am writing in response to your recent correspondence regarding the above planning application.

My views are as follows; whilst the application does include some holiday accommodation, the vast majority is for residential building which will not generate revenue for the seasonal businesses who rely totally on holiday trade to remain viable. This would appear to be at odds with the Council's own "core strategy policy - CS8" for the promotion of tourism, if only, as suggested, a small proportion of the former Pontins site retains holiday status. Why would the Council formulate a policy specifically to

contd.....

Protect tourism in the area, which generates revenue not only in business taxes, but also creates local employment - if it is not willing to protect holiday land which already exists?

The overview that the former Pontins site cannot solely sustain holiday accommodation would seem to be in contradiction with the site owned by Richardsons, who have just this last year spent millions of pounds on a complete overall and re-vamp of their site, on Beach Road, just a few hundred yards from the former Pontins site. Surely if Richardsons are prepared to invest so heavily into their site, then the former Pontins one has equal potential as a viable holiday business and should therefore remain 100% a holiday site only.

Since the closure of the former Pontins site, my understanding is that there have been enquiries made by various interested parties, who were seriously considering re-developing the site solely as a holiday destination. It was impossible however to secure a negotiated price for the land, as the vendors seemed unwilling to proceed further with this line of enquiry. If the vendors were

contd.....

serious about selling the site, auctioning the land would surely have been a viable option for them; and one that, in my opinion, could have and should now be pursued, prior to any planning consent being obtained for domestic housing on this site.

Hensby has a long and distinguished reputation as a family holiday destination with many families returning year upon year. My view is therefore that any long term loss of potential holiday accommodation will have a detrimental effect not only on the village and its businesses, but on the wider community as a whole.

I would ask you to consider all the points I have raised thoroughly before making any decision on the above planning application

Yours truly

ACK
3/7/18

Hemsby
Gt. Yarmouth
NR29 4HQ

27th June 2018

Planning Dept GYBC
Town Hall
Hall Plain
NR30 2QF

Dear Sir/Madam

re: 06/15/0441/0

Great Yarmouth
Borough Council

02 JUL 2018

Planning
Department

I am writing to formally object to the above
numbered Planning Application relating to
Beach Road (former Pontins Holiday Centre)
Hemsby NR29 4HL.

Pontins site is dedicated as Tourism land
therefore building housing there is not in keeping
with Policy CS8.

GYBC Policy TR4 requires it to be used as:
Tourist facilities, attractions and accommodation and
thereby should not be permitted to any change of
use.

Yours faithfully

Great Yarmouth Borough Council
-2 JUL 2018
Customer Services

Internet Consultees

Application Reference 06/15/0441/O

Attachments

Invalid Consultee Comment? ☐Copy to existing Consultee? ☐Name Address

Martham

Great Yarmouth

Post Code NR29 4TW

Telephone Email Address For or Against OBJ ObjectSpeak at Committee

The infrastructure in Hemsby (and surrounding villages) is struggling to cope with the current growth of the village. The GP surgery and dentist are overbooked without adding an additional 190 households to contend with. The primary school is likely to have to expand its catchment to cover Winterton following the proposed closure as the end of this year. The essential services within Hemsby will not continue to cope with the rapid growth of the village without growing themselves, something which funding does not currently allow for.

Date Entered 26-06-2018

Internet Reference OWPC1780

Internet Consultees

Application Reference 06/15/0441/0

Attachments

Valid Consultee Comment? ☐Copy to existing Consultee? ☐

Name

Address

Hemsby

Post Code NR29 4NA

Telephone

Email Address

For or Against ☐ ObjectSpeak at Committee ☐

An estate of 190 houses would increase pressure on the already stretched doctors/dentists. The sewer system struggles to cope now and there are already several sites approved for more housing around the village. The increased traffic on Kingsway will cause congestion and will be dangerous. The site should remain as leisure use. The popularity of Hemsby as a holiday destination proves there is a need for more holiday accommodation and a retail development is definitely not required.

Date Entered 27-06-2018

Internet Reference OWPC1785

28 JUN 2018

Customer Services

27.6.18

APPLICATION 06/15/0441/0

Dear Sirs

I am writing to register my opposition to the above planning application and have listed below several reasons for my opinion

The site is to be used only for Holiday/Tourism purposes, R.E.

Gr Yarmouth class 1. Holiday use only

Foul water and sewage drains were put in many years ago for what was then a small village, there has been many instances of overflow into streets and properties and although tanks have been placed in the system one must remember that a chain is only as strong as its weakest link.

There is insufficient school, dentist and medical provision to service the above along with all the other applications in the area

Yours faithfully

Great Yarmouth
Borough Council

28 JUN 2018

Planning
Department

Shop
Two Seasons
Treasure Island
Beach Road, Hemsby
Great Yarmouth, NR29 4HS

From:
Sent:
To:
Subject:

John Rundle <j.rundle49@talktalk.net>

28 June 2018 09:55

plan

06/15/0441/O PONTINS HOLIDAY CENTRE -HEMSBY

Further to the Application for Planning received from Northern Trust. This is the same application which was submitted last time. Retail development – shops – we do not need any more shops in OUR village – we have already adequate shops who give us a good service and variety. More shops would put pressure on the existing ones and as you well know businesses/shops are closing all over the country making people unemployed.

The holiday accommodation which they mention to – caravans on one corner of the site can be removed 6 months / one year down the line and more houses put in their place. The site was closed ten years ago by Northern Trust in the April and it was booked up until the September with holiday visitors. They let it go derelict and stripped everything out they did not want it to be sold as a holiday site. They would not tell possible leisure businesses a price as they are so greedy and know that if they could sell it for building they will get **much, much more money**.

We know that if they get planning permission they do not have to do the building themselves, they will sell on the site to another builder who does not have to abide by the planning application and can build more houses under new phases.

The Winterton Primary School is now closing – they have not been able to get a head teacher and the attendance has dropped, therefore the children will be relocated in Hemsby and Martham schools. Hemsby has only got 35 places at the moment and there are 55 children at Winterton. Therefore there will be no places available for the children in OUR village especially as we have more houses being build in the future without Pontins site. We have already had the quota built\being built that the Government has told us we should have !!!!

Let us have a leisure site built something like Centre Parks or Eden Project that will bring holiday makers here - with a swimming pool, and facilities such as tenpin bowling, grass bowls (which has now closed in the village) a gym for the teenagers to give them something to interest them, along with badminton and table tennis etc., so the residents can use the facilities as well.

WHY HAS NORTHERN TRUST BEEN ABLE TO GET AWAY WITH NOT PAYING RATES ALL THESE YEARS – if myself or anyone else in the village didn't pay our rates you would be upon us like a 'ton of bricks' threatening bailiffs/court cases etc. By letting them get away with this for 10 years – they were in no hurry to sell ! thus making them ignore any offers from the holiday industry.

I have heard that the GYBC will benefit from having houses build - £5,000 per house build plus rates from homeowners - this should not be a consideration in the decision whether this Application is passed or not.

Yours faithfully

[REDACTED]
Hemsby
Great Yarmouth
Norfolk
NR29 4EU
[REDACTED]

Flegg Chalet Services

6 School Road, Martham, Great Yarmouth, Norfolk NR29 4PX. Tel/Fax: Great Yarmouth (01493) 740674
e-mail: enquiries@seadell.co.uk
website: www.seadell.co.uk

28 June 2018

Great Yarmouth Borough Council
Planning Services
Development Control
Town Hall, Hall Plain
GREAT YARMOUTH NR30 2G

Great Yarmouth
Borough Council

29 JUN 2018

Planning
Department

Re: Planning Application: 06/15/0441/O. Your letter dated 11/06/2018.

I wish to object to this application as follows:

1. The presentation regarding the leisure park being "unviable" is flawed:
 - i. On closure of the park internal fixtures/Fittings were removed from a large number of the properties to make them unavailable to let & to avoid paying Non-Domestic Rates.
 - ii. The Inland Revenue/Valuation office were compliant with this move.
 - iii. This can only be described as "Industrial Rape" & if the applicants were individuals without doubt there would have been a further Celebrity court case.
 - iv. With this situation it is understandable that no prospective purchasers were found either by Northern Trust or by appointed agents. In addition despite numerous requests Northern Trust never disclosed a "asking price", always responding by asking what the prospective purchaser would do with land.
 - v. In recent years investment in the leisure industry in Hemsby has increased. e.g Richardsons & others. A visit will show that the leisure industry in Hemsby is looking to the future.
2. Infrastructure such as Doctors/Dentist Surgery, local School in Hemsby are inadequate to accept such an increase. This is exacerbated by the intended closure of Winterton Primary School.
3. Previously local [full time & part time] jobs were lost. This development offers no such prospect for local people.

In conclusion the application as described in the local press states "The above development is a major development and does not accord with the provision set out within the saved policies of the Great Yarmouth Borough-Wide Plan[2001]". To agree to this application would go against this policy and would lead to other Leisure areas requesting the same. Currently Hemsby has other developments already agreed to satisfy Borough Council's housing requirements. It would be naïve to think that should this application be approved, a revised application for additional housing would not be received. Since the closure applications have been made, public meetings have been held within the village and local residents and businesses have made their views clear and communicated this directly to Northern Trust. Over this time it has become apparent that Northern Trust are very good at being "economical with the truth" and often threatened to use "bully boy" tactics. There is only one language that "bully boys" understand. You have to stand up to them. This application should be refused, Northern Trust notified and if they wish to appeal It should be argued with all previous and up-to-date information.



Great Yarmouth Borough Council

26 JUN 2018

Customer Services

NR29 4NR

Planning Services
Development Control
Town Hall, Hall Plain,
Gt Yarmouth
Norfolk, NR30 2QF

Great Yarmouth
Borough Council

26 JUN 2018

Planning
Department

Re: Planning Application 06/15/0441/0

I am pleased to see we have another opportunity to have the former Pontins eyesore built on. I, unlike many of the anti group live directly opposite it and am and was directly effected by it, many of the anti people who live further from it and want it re opened out of some "hi dee hi" romantic notion of when they stayed there.

This is a great opportunity to escape the short working season and trade all year round and keep people in work for a full year rather than 3 months.

This is also an opportunity to concentrate the holiday trade into a more up market venue. With the beach being eroded away rapidly this may well be what is needed for it to survive rather than any nail in its coffin as many of the anti block would have us believe.

The anti block would have us believe that keeping the camp as holiday use would bring business for them, 'dropping it in their laps' as it did, but, "Hi Dee Hi" has been and gone and I believe it would need to be all inclusive to survive in todays market with all the entertainment on site and it could do the opposite and attract custom away from the beach which is frankly an eyesore with rusty steel, jagged concrete, debris from collapsing homes, dangerous cliff overhangs and times when the sea covers it.

I find it staggering that Mr. Lewis our "conservative" MP is in favour of keeping it for holiday use. It is simply not viable any more and no wonder no one wants it for that purpose as it will result in a repeat of the hideous last 10 years it was open, times that people like me had to tolerate with no help from environmental health, the police or the parish council.

Please vote for the building development to go ahead. This is a great opportunity for the village to move forward.

Thank You
Yours Sincerely

23/6/18

[REDACTED]
[REDACTED]
Sent: 28 June 2018 09:54
[REDACTED]

Subject: 06/15/0441/O PONTINS HOLIDAY CENTRE -HEMSBY

Further to the Application for Planning received from Northern Trust. This is the same application which was submitted last time. Retail development – shops – we do not need any more shops in OUR village – we have already adequate shops who give us a good service and variety. More shops would put pressure on the existing ones and as you well know businesses/shops are closing all over the country making people unemployed.

The holiday accommodation which they mention to – caravans on one corner of the site can be removed 6 months / one year down the line and more houses put in their place. The site was closed ten years ago by Northern Trust in the April and it was booked up until the September with holiday visitors. They let it go derelict and stripped everything out they did not want it to be sold as a holiday site. They would not tell possible leisure businesses a price as they are so greedy and know that if they could sell it for building they will get **much, much more money**.

We know that if they get planning permission they do not have to do the building themselves, they will sell on the site to another builder who does not have to abide by the planning application and can build more houses under new phases.

The Winterton Primary School is now closing – they have not been able to get a head teacher and the attendance has dropped, therefore the children will be relocated in Hemsby and Martham schools. Hemsby has only got 35 places at the moment and there are 55 children at Winterton. Therefore there will be no places available for the children in OUR village especially as we have more houses being build in the future without Pontins site. We have already had the quota built\being built that the Government has told us we should have !!!!

Let us have a leisure site built something like Centre Parks or Eden Project that will bring holiday makers here - with a swimming pool, and facilities such as tenpin bowling, grass bowls (which has now closed in the village) a gym for the teenagers to give them something to interest them, along with badminton and table tennis etc., so the residents can use the facilities as well.

WHY HAS NORTHERN TRUST BEEN ABLE TO GET AWAY WITH NOT PAYING RATES ALL THESE YEARS – if myself or anyone else in the village didn't pay our rates you would be upon us like a 'ton of bricks' threatening bailiffs/court cases etc. By letting them get away with this for 10 years – they were in no hurry to sell ! thus making them ignore any offers from the holiday industry.

I have heard that the GYBC will benefit from having houses build - £5,000 per house build plus rates from homeowners - this should not be a consideration in the decision whether this Application is passed or not.

Yours faithfully

[REDACTED]

Development Control Committee

Minutes

Tuesday, 08 March 2016 at 18:30

PRESENT :

Councillor Reynolds (in the Chair); Councillors Andrews, Annison, Collins, Jermany, Grant, Lawn, Linden, Sutton and Wright.

Councillor Fairhead attended as a substitute for Councillor T Wainwright.

Councillor Jeal attended as a substitute for Councillor Blyth.

Mr D Minns (Planning Group Manager), Miss G Manthorpe (Senior Planning Officer), Mrs J Smith (Technical Assistant) and Mrs S Wintle (Member Services Officer).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Blyth and T Wainwright.

2 DECLARATIONS OF INTEREST

It was noted that the Chairman and Councillor Jermany declared Non Pecuniary interests in item 4 and in accordance with the Constitution were allowed to both speak and vote on the matter.

Councillor Jeal declared a Non Pecuniary interest in item 7 and in accordance with the Constitution was allowed to both speak and vote on the matter.

3 MINUTES

The minutes of the meeting held on 9 February 2016 were confirmed.

4 APPLICATION 06/15/0441/O FORMER PONTINS HOLIDAY CENTRE, BEACH ROAD, HEMSBY

The Committee received and considered the comprehensive report from the Planning Group Manager.

The outline planning permission sought the re-development of the site for up to 200 dwellings and community/commercial facilities, together with associated public open space and landscaping. Members were advised that the means of access to the application site was also to be considered as part of the application.

It was reported that a previous application was submitted in 2011 although had been withdrawn prior to being considered by the Development Control Committee

Members were advised that the Design and Access Statement submitted with the application stated that approximately 8.04 hectares would comprise residential development, including affordable housing. The housing mix would comprise predominantly detached family housing with some semi-detached and terrace units.

The Planning Group Manager reported that 48 letters of objection had been received from neighbouring owners, the main concerns were summarised to Members. Members were advised that 1 letter of support had been received.

It was reported that the Parish Council objected to the application for the following reasons :-

1. The site is a PRIME Holiday area, which will also require change of use, but are concerned if approved will this set a precedent for other Prime holiday areas in Hemsby or the Borough to have this protection removed and re-developed.
2. The infra-structure is not adequate to cope with the increase of population or increase in traffic on the highways. Drainage is poor on the site and regularly flooded the area with increased demand.
3. Lack of educational facilities to cope with extra child places.
4. One medical centre in the village which is already struggling with high number of patients.
5. As a holiday resort the site employed many from the local area, where will new residents find work in an area which is mainly tourism.

It was reported that Norfolk County Council would not sought contributions for Nursery, Primary or High School.

There had been no operational objections received from the Norfolk Fire Service, although the requirement for 4 fire hydrants on no less than 90mm main and 1 no less than 150mm be noted.

It was reported that the Highways had no objections further to an agreed mitigation package which would include a zebra crossing as well as two new bus stops with shelters an length of improvement/widening of the east side footway and subject to an s106 being completed.

Norfolk County Council flood Authority had no objection subject to a detailed design of a surface water drainage scheme.

It was noted that Essex and Suffolk water had no objection subject to the compliance of requirements and that Anglian Water confirmed the foul drainage and sewerage system had adequate capacity for the flows.

Environmental Health had no objections to the outlined planning application.

The Planning Group Manager reported that the site is designated as a prime holiday site in the Borough Wide Local Plan 2001, policy TR4 stated the following :-

'Proposals to change the use of tourist facilities, attractions or accommodation to purposes which are not tourist related will not be permitted where the site or premises are within primary holiday accommodation and primary attraction areas as shown on the proposals map.'

Members were advised that policy TR4 remained a saved policy.

The Planning Group Manager reported that the application had been recommended for approval subject to the conditions required.

A Member asked how many public meeting had been held in relation to the application, and was advised that several meetings had been held.

Mr De Pol - agent presented a report on behalf of Northern Trust Company Limited.

The Chairman made reference to a previous meeting that he and the Planning Group Manager had attended with Northern Leisure Trust and advised that a suggestion had been made that a small scale Tourism and Leisure be maintained with in the application site, the Chairman asked why this had not been considered. Mr De Pol advised that the suggestion had been considered through various different active marketing options.

A Member expressed concern that no monetary value had been available when the site was marketed, Mr De Pol advised that this was a more flexible approach to marketing the application site.

Concern was raised in regard to the advertising of the application site.

Mrs Simone Calnon - Objector presented a report of her main objections to the Committee.

The Group Planning Manager clarified to Members the outline applications retail unit sizes.

A Member asked Mrs Calnon if her objections were just based on retail concerns or both retail and housing, Mrs Calnon advised that she felt the whole site should be maintained for tourism.

The Chairman asked in relation to the application and whether a condition could be made to remove the retail units from the application, the Planning Group Manger advised that should the Committee be minded to approve the application subject to the condition above that this would be a decision for the applicant. Mr De Pols advised that he could not make this decision.

Mr Tony Reeves - Objector presented a report of his main objections to the Committee.

The Chairman advised that should the Committee be minded to refuse the application the application could be sent to appeal therefore the loss to the Borough could be of great cost.

It was clarified to the Committee that the application sought for up to 200 dwellings and that any increases to the number of dwellings would be subject to further planning applications.

A Member asked in relation to the land owners of the application site, and was advised that Northern Trust had owned the land for numerous years.

Marie Ellis - Objector presented a report of her main objections to the Committee.

Keith Kyriacou - Objector presented a reported on behalf of Hemsby Parish Council.

A Member raised awareness in relation to the Government guidelines for housing supply.

Councillor Weymouth - Borough Councillor for Hemsby summarised main objections to the Committee.

Councillor Jermany - Borough Councillor summarised main objections to the Committee.

The Chairman asked in relation to the Localism act, he was advised that this was in the process of being addressed by the Parish Council although a timescale for completion was unknown.

The Members of the Committee entered into a general debate regarding the points raised by the applicant and objectors the main concern being :-

- Viability for tourist site
- History of site
- Cost to the Council

A motion was moved and seconded that application 06/15/0441/O be approved in line with the recommendation of the Planning Group Manager.

Following a vote, the motion was lost.

A second motion was moved and seconded that application 06/15/0441/O be rejected on the grounds that the application was against TR4 of the Borough Wide Local Plan, unneighbourly and that there was other development land available.

RESOLVED :

That application 06/15/0441/O be rejected on the grounds that the application was contrary to TR4 of the Borough Wide Local Plan and CS8 of the Core Strategy, was unneighbourly and that there is other development land available.

5 APPLICATION 06/14/0817/O HEMSBY ROAD, MARTHAM

The Committee received and considered the comprehensive report from the Planning Group Manager.

The application sought a residential development, access, public open space,

Development Control Committee

Minutes

Tuesday, 05 April 2016 at 18:30

PRESENT:

Councillor Reynolds (in the Chair); Councillors Andrews, Annison, Collins, Grant, Jermany, Lawn, Linden, Sutton, T Wainwright & Wright.

Councillor Fairhead attended as a substitute for Councillor Blyth.

Mr D Minns (Planning Group Manager), Miss G Manthorpe (Senior Planning Officer), Mrs E Helsdon (Technical Assistant) and Mrs C Webb (Senior Member Services Officer)

1 DECLARATIONS OF INTEREST

The Committee noted the following declaration of interest:-

Councillor Annison declared a non-pecuniary interest in item 4 and in accordance with the constitution was allowed to both speak and vote on the matter.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Blyth.

3 MINUTES

The minutes of the meeting held on 8 March 2016 were confirmed with the following proviso:-

(i) That with regard to minute 4, application 06/15/0441/O, Former Pontins Holiday Centre, Beach Road, Hemsby, the Planning Group Manager reported that he had not issued the notice of refusal as had sought advice from a Barrister regarding the Committee's reasons for refusing the application, to ascertain whether the reasons for refusal under Policy TR4 and CS8 criteria (b) of the Core Strategy would stand up robustly at appeal.

4 06/15/0486/F - 10 WHITE STREET MARTHAM

The Committee received and considered the comprehensive report from the Planning Group Manager as detailed in the agenda.

The Senior Planning Officer reported that the application was for the redevelopment of a previously developed site including the demolition of a dwelling house to accommodate the access and the erection of 100 residential dwellings with associated infrastructure and public open space. There would be a mix of properties ranging from 2 to 4 bedrooms. Conservation Area consent had been approved for the demolition of 10 White Street, Martham.

The Senior Planning Officer reported the outcomes of the statutory consultations which had been undertaken and that thirteen objections had been received from local residents which cited concerns regarding the closure of Back Lane, inadequate sewerage and rain water removal provision and local infrastructure concerns. One comment had been received in support of closing Back Lane providing adequate turning could be provided had also been received.

Martham Parish Council raised concerns that there was a discrepancy regarding comments received from Anglian Water, clarification was required for the ownership and ongoing responsibility of the open space, the traffic solution of blocking off Back Lane, increased pressure on the struggling Doctor's practice and low mains water pressure in the village.

The Senior Planning Officer reported that in terms of highways and access, Norfolk County Council had commented on the SHLAA in terms of highways and access are now satisfied that a singular access off White Street with off-site highway improvements to form a cul-de-sac to include two turning heads and a zebra crossing were acceptable for the development. This conclusion had been decided following extensive negotiations between the developer and NCC and will prevent the road becoming a rat run and protect the amenities of the residents.

The Senior Planning Officer reported that resident's fears of over-looking had been reduced by conditioning that the three storey properties were designed so that the second floor was velux windows to be 1.7m from the floor level to reduce overlooking.

The Senior Planning Officer reported that Policy CS4 of the Core Strategy outlined the provision of affordable housing for the Borough which would equate to 20 dwellings in this development. The applicant had stated that this would make the site not viable. This is being assessed by the District Valuation Officer and negotiations will continue if permission is granted. Negotiations are still ongoing with regard to s106 agreements to mitigate the effect on the Natura 2000 sites, open space and play area. The open space will be managed through s106 agreement by a management company in perpetuity.

A Member raised concerns of the distance between the properties which flanked the pumping station. The Senior Planning officer reported that these properties would be sited 15 metres away and only a partial amount of the garden of these plots would be affected.

The Senior Planning officer reported that the application was recommended for

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I	10.12.18	Amendments following Client comments JY	
H	06.12.18	Links between green spaces shown	JY
G	25.04.18	Amendment to annotation	NG
F	24.04.18	Amendment to Surface Water Infiltration Basin and Landscaping	NG
E	24.04.18	Amendment to Surface Water Infiltration Basin and Landscaping	NG
D	23.04.18	Surface Water Infiltration Basin added	NG
C	26.03.18	Amendment to Key	NG
B	22.03.18	Annotation to buffer zone added	NG
A	22.03.18	Existing trees to be retained where possible, added to plan	NG
rev:	date:	description:	by:



Paul Robinson
PARTNERSHIP
ARCHITECTURE + SURVEYING

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client:
Northern Trust

location:
**Kings Way, Hemsby
Former Pontins Site**

title:
Masterplan

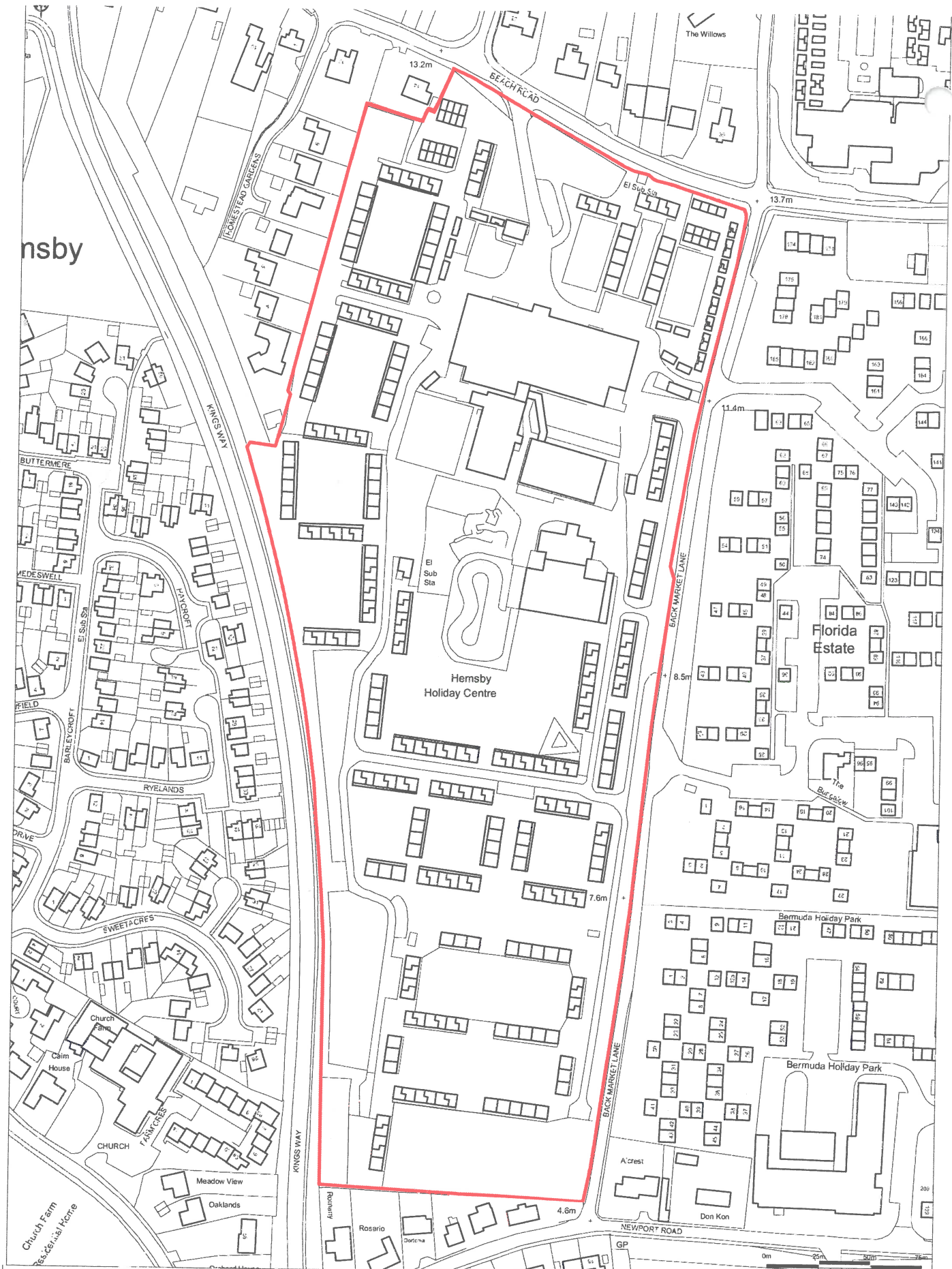
scale @ A1:
1:1000
date:
21.03.18
project no:
7873

drawn by:
NG
approved:
BH
dwg no:
12

revision:
I

Feasibility





Applicant : Northern Trust Company Ltd

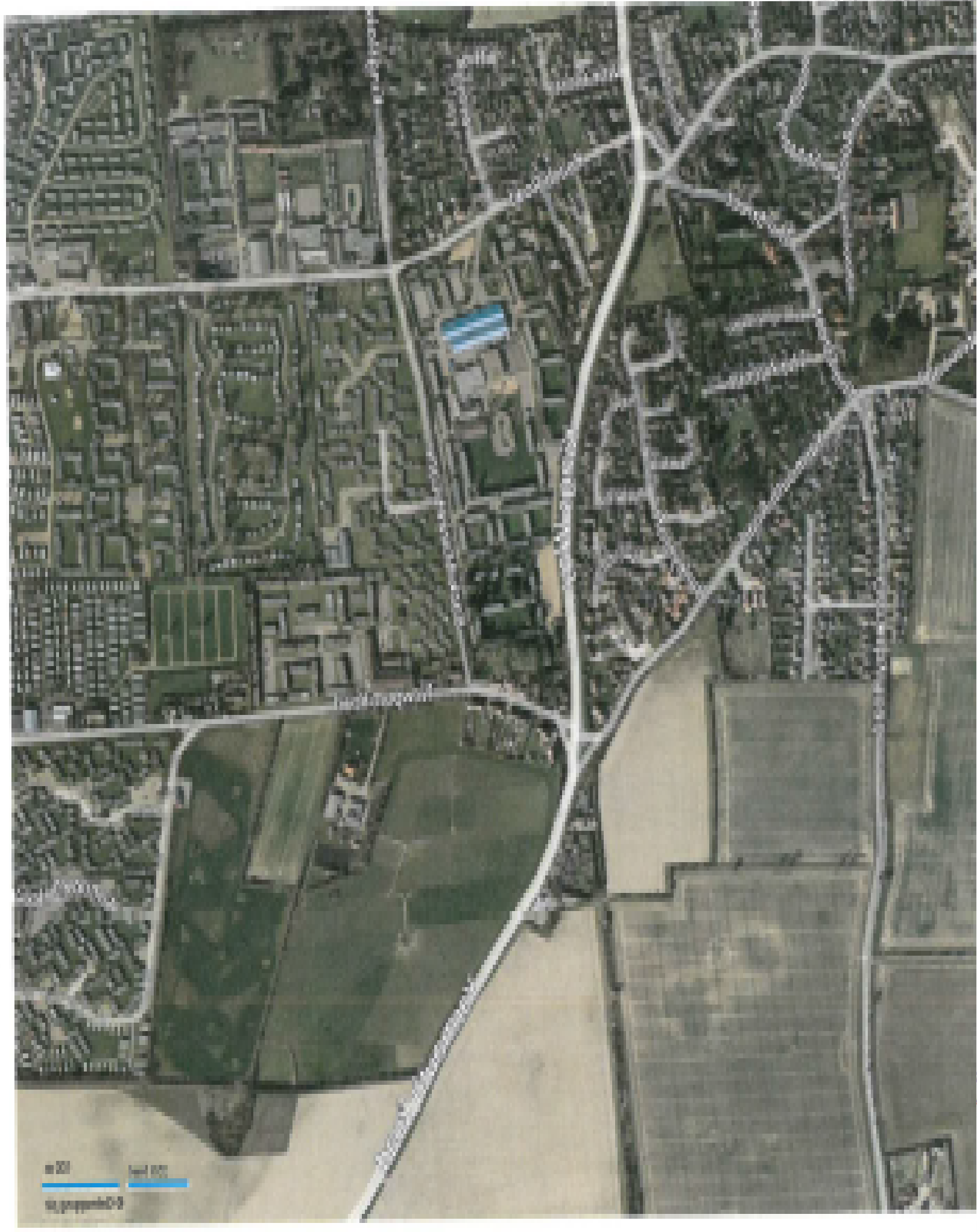
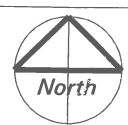
Project : Outline Planning Application
Former Pontin's Holiday Centre, Beach Road, Hemsby

Drawing : Site Location Plan

Date
Feb 11

Scale
1:2,500

Drg. No.
929.10a

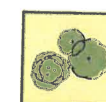


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Key



Existing Trees



Proposed Trees



Proposed Landscaping

D	11/03/15	Convenience store omitted Minor amendments	JY
C	23/01/15	Various adjustments following public consultation	JY
B	22/12/14	New access added Existing trees adjusted	HH
A	11/12/14	Various adjustments including addition of pub/restaurant, substation positions and sewer line shown and revised layout	JY
rev:	date:	description:	by:



**Paul Robinson
PARTNERSHIP**
ARCHITECTURE + SURVEYING

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web: www.paulrobinsonpartnership.co.uk



client:
Northern Trust

location:
Former Pontins Site, Kings Way
Hemsby, Great Yarmouth

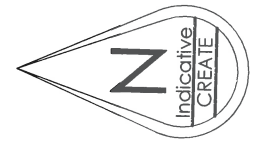
title:
Former Pontins Site Masterplan
for Residential Development

scale @ A1:
1:1000
date:
December 2014
project no:
7406

drawn by:
JY
approved:
BH
dwg no:
01

revision:
D

MASTERPLAN



KEY:

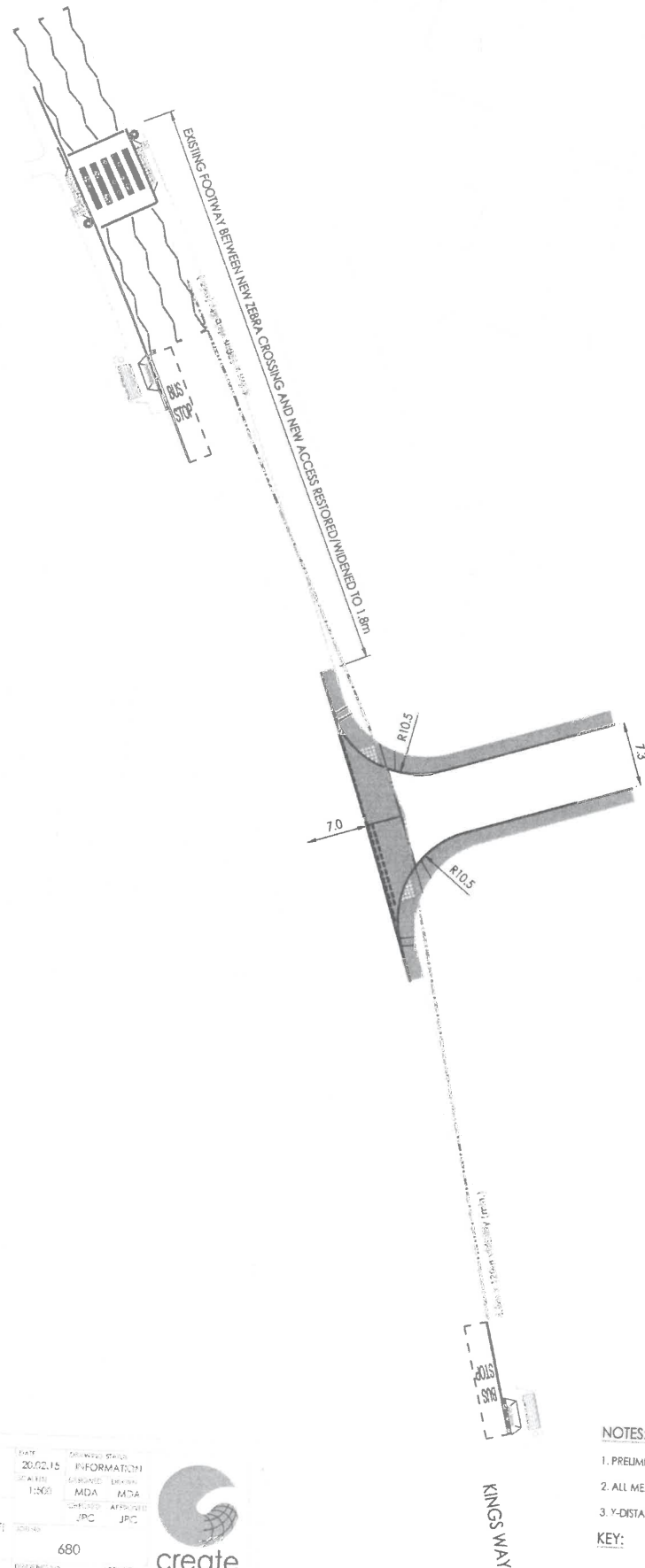
- NOVEMBER 2015 TEST LOCATIONS AND SOIL INFILTRATION RATE (m/s-1)
- FEBRUARY 2011 TEST LOCATIONS AND SOIL INFILTRATION RATE (m/s-1)
- PROPOSED 1600 m² SOAKAWAY

NOTE:

- THIS DRAWING IS BASED ON PAUL ROBINSON PARTNERSHIP DRAWING REFERENCE 7406-01-D DATED 11 MARCH 2015.
- THE LOCATIONS OF PROPOSED PRIVATE SOAKAWAY FEATURES IN THE SOUTHERN PORTION OF THE SITE ARE NOT SHOWN DUE TO THE OUTLINE NATURE OF THE DEVELOPMENT PROPOSALS SHOWING INDICATIVE DWELLING LOCATIONS ONLY.
- TREES WITHIN AREA SHOWN FOR THE PROPOSED SOAKAWAY TO BE REMOVED.

PROJECT	FORMER PONTINS HOLIDAY SITE, HEMSEY	DATE	20.11.15	DRAWING STATUS	
		SCALE(S)		DESIGNED	DRAWN
DRAWING TITLE	PROPOSED SOAKAWAY LOCATION PLAN		1:1000	CHECKED	APPROVED
		JOB No.		CS	JPC
CLIENT	NORTHERN TRUST			680	
		DRAWING No		REVISION	
			02/001	-	

06/15/0441/0



NOTES:

1. PRELIMINARY DESIGN DRAWING IS BASED ON ORDNANCE SURVEY MAPPING
2. ALL MEASUREMENTS ARE IN METRES UNLESS OTHERWISE STATED
3. Y-DISTANCES SHOWN TO ROAD TANGENT POINTS

KEY:

120m x 4.5m x 120m VISIBILITY SPLAYS (MINIMUM)

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PROJECT:
FORMER PONTIS
HMSBY

DATE:
20.02.15

ORIGINATOR:
INFORMATION

DESIGNED:
MDA

CHECKED:
JPC

APPROVED:
JPC

LOCAL STORE ACCESS
WITH ZEBRA CROSSING (BARLEYCROFT)
PRELIMINARY DESIGN

CLIENT:
THE NORTHERN TRUST COMPANY LTD.

REFERENCE:
03/003

680

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ORDNANCE SURVEY MAP - A1 Printed

DO NOT SCALE