



GREAT YARMOUTH
BOROUGH COUNCIL

Development Control Committee

Minutes

Wednesday, 17 February 2021 at 16:00

PRESENT:-

Councillor Annison (in the Chair); Councillors Bird, Fairhead, Flaxman-Taylor, Freeman, P Hammond, Lawn, Myers, Wainwright, Williamson, A Wright & B Wright.

Councillor Candon attended as a substitute for Councillor Mogford.

Mr D Glason (Director of Planning & Growth), Mr D Minns (Planning Manager), Mr G Sutherland (Senior Planning Officer), Ms C Whatling (Monitoring Officer), Mrs S Wintle (Corporate Services Manager), Mr M Severn (IT Support), Ms C Ingram (Communications & Media Officer) & Mrs C Webb (Executive Services Officer).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mogford.

2 DECLARATIONS OF INTEREST

Councillors Bird, Fairhead & Freeman declared a personal interest in item number 3 as they were members of the Internal Drainage Board. However, in accordance with the Council's Constitution, they were allowed to both speak and vote on the matter.

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

The Committee received and considered the report from the Senior Planning Officer.

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

The Senior Planning Officer reported that the holiday centre closed in 2009 and has since remained vacant. The former holiday chalets and other buildings and structures remain on site, though in a derelict condition and have been subject to continuing vandalism and arson. On 10 July 2019 the site was granted a resolution to approve planning permission (subject to S.106) for the demolition of the existing buildings and redevelopment of the site for up to 190 dwellings, retail development and holiday accommodation, together with associated open space, landscaping and infrastructure. The site has been included as a draft allocation in the Council's emerging Local Plan Part 2 (Policy HY1). The emerging policy supports the broad type and amount of development proposed by the extant planning permission, whilst also providing further detailed site-specific guidance to bring the development forward to delivery.

The Senior Planning Officer reported that the Local Plan Part 2 has been through public consultation (Regulation 19) stage of the plan making process

and submitted to the Secretary of State for the Department for Communities and Local Government. An independent Planning Inspector has been appointed to undertake a 'public examination' of the "soundness" of the draft Local Plan and is likely to make recommendations to further improve it. Hearings are scheduled in March and April 2021.

The Senior Planning Officer reported that the proposal is for the redevelopment and adaption of the existing site, which includes the refurbishment and modification of existing buildings to provide residential accommodation and a swimming pool/ café facility, along with new development works to provide a store, retail units and holiday accommodation, together with associated open space, landscaping and infrastructure throughout.

The Senior Planning Officer reported that the proposal comprises 188 dwellings made up of 13 one-bedroom flats, 6 two-bedroom flats, 107 two-bedroom houses and 62 three-bedroom houses. The dwellings are served from estate roads with private drives and turning heads leading from three new points of access off Kings Way. Each 2 and 3 bed dwelling unit has 2 parking spaces, and each 1 bed unit has 1 parking space. Each house will have a private garden. Served by a loop road from the existing access on Beach Road the development includes 91 units of holiday to let accommodation plus a welcome centre. The accommodation comprises 28 two-bedroom chalets and 25 three-bedroom chalets adapted from the existing buildings at the northern end of the site, as well as 38 prefabricated lodges comprising 19 two-bedroom lodges, 14 three-bedroom lodges and 5 four-bedroom lodges. Each lodge would have a dedicated parking space (38) and there would be a further 104 parking spaces within the holiday let area.

The Senior Planning Officer reported that there would be no vehicular connection between the holiday let area and the residential area of the site, just bicycle and pedestrian connections. There is also no vehicular connection between the holiday let area and the area of the proposed leisure centre, store and retail units. Vehicular access to the latter would be taken off Kings Way and separate car parks are shown on the submitted plans for those uses. The development layout is largely dictated by the location of the existing buildings on the site which are being adapted. The units are within terraces formed around areas of open space; open space is also retained next to the leisure centre. The site has a large number of established trees which are retained by the development.

The Senior Planning Officer reported that the development would include a leisure centre adjoining the existing swimming pool including reception, café, changing, spa and gym facilities. This would be located adjoining a large communal green including a children's play area which would be overlooked from dwellings formed around the green to the south, east and west. To enhance services available within the development and the village a block of 3 small retail units is proposed, measuring 900 square feet of floorspace each. Each unit will have a two-bedroom flat above. A separate small store is also proposed measuring 3,300 square feet of retail space. Parking will be

provided adjacent to each use, with 27 spaces allocated to the store, 9 with the retail units and 28 allocated to the leisure centre.

The Senior Planning Officer advised that the the developer's intention was to provide 20% of the dwelling parking spaces with Electric Vehicle (EV) Charging Provision along with an allocation to the commercial spaces too. It was noted that this had been included in anticipation of a future requirement of the Building Regulations.

Members were advised that supporting information had been submitted with the application in the form of a Planning Supporting Statement, Design and Access Statement, Flood Risk Assessment, Drainage Strategy, Residential Travel Plan, Transport Assessment, Retail Statement, Contamination Report, Statement of Community Involvement, Ecological Assessment, Arboriculture Report, Archaeological Assessment and Viability Statement.

The Senior Planning Officer reported that the site had seen numerous planning applications over the past years which had related to its holiday use.

The Senior Planning Officer advised that Hemsby Parish Council had written in support of the application Hemsby Parish Council with a number of observations and were wishing to see conditions applied to address these and requesting that several enhancements be included in any associated legal agreement for the provision of community infrastructure. These are addressed in the assessment section of the report. There had been 7 representations received with regard to the application and these were summarised to the Committee. The site lies in a Primary Holiday Accommodation Area and adjoining the Hemsby Development Boundary in the adopted local plan and within it in the emerging local plan wherein development will be supported in principle unless material considerations outweigh that principle. With a resident population of approximately 3,000 Hemsby is identified in policy CS2 of the Core Strategy as a Primary Village settlement with a small range of services and opportunities for employment, retail and education. It serves a limited local catchment and contains a lower level of access to public transport. In this case the site is located on a road having bus service it is within walking distance of the primary school, doctors' surgery, small supermarket and post office located in the village centre.

The Senior Planning Officer reported that supporting information has been provided which addresses the matters listed under site specific policy HY1 "Land North of Hemsby Road. The Parish Council made the following suggestions:

To restrict the occupancy of the holiday lets so they are not used as principle residences. Response: A standard condition can be applied.

Property floor space to meet national minimum standards Response: They do. Revised plans were submitted with increased floor space.

Is affordable housing included. Response: see separate paragraph about viability.

Safety concerns re open water. Response: Storm water detention provision

shall be constructed in accordance with standards prescribed by the Lead Local Flood Authority including design to ensure public safety.

Surface water drainage, address risk of flooding. Response: Storm water detention provision shall be constructed in accordance with standards prescribed by the Lead Local Flood Authority and shall use Sustainable Drainage Systems (SuDS)

Management fee charged to owners. Response: This is a commercial matter not a planning matter.

Consider providing a bus lay bay on Kingsway long enough for two buses. Response: No bus layby is proposed or recommended by the Highways Authority.

Capacity of health care service to accommodate the population of the development. The request for a funding contribution by the health authority to mitigate the impact of the development on services is noted. Response: see separate paragraph about viability.

Provision of litter bins on site. Response: this is a commercial matter.

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

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

To make a financial contribution to assist the Parish to refurbish the existing tennis court at the Waters Lane playing field into a multi-use games area. Response :The proposed development provides open space and community recreation facilities on site, see separate section of this report on viability.

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

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

Provision of a safe walking/cycling facility on the field margins along Ormesby Road. Response: such a facility is beyond the site and not in the developer's ownership and control, it cannot be deemed necessary or reasonable in order to undertake the regeneration of the site.

The swimming pool and recreation centre should be required to be complete once the site has reached 50% occupancy. Response: Any trigger shall be as per the prior S106 agreement.

The Senior Planning Officer reported that in relation to housing supply, at present, the Council is able to demonstrate a 6.51-year supply of deliverable housing sites. Since December 2020 the Core Strategy has been over five years old therefore in accordance with national policy, the currently adopted housing requirement in the Core Strategy is considered to be out-of-date. Instead, paragraph 73 of the NPPF requires the five-year supply to be assessed on the basis of the local housing need (LHN) calculated using the national standard methodology set out in the NPPG. Under this, the housing requirement for the five-year supply is 2,142 as opposed to 3,367. The Council's 2020 Five-Year

Housing Land Supply Position Statement indicates a supply of 2,797 homes over the five-year period (2020-2025). Therefore, against this updated local housing need target, the Borough Council has a demonstrable five-year supply.

The Senior Planning Officer reported that as part of the examination process in to the emerging Local Plan Part 2, the Borough Council has prepared an updated five year supply position which demonstrates that on adoption of the Local Plan the Borough Council will have a five year supply of housing land (Document C6.1 in the Local Plan examination library). This indicates that on adoption the supply will be equivalent of 7.40 years supply. Even without contributions from the proposed allocations, the supply will still be in excess of 5 years.

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

A condition is recommended to address this.

The Senior Planning Officer reported that the dwellings are set out along the estate road and private drives off. Dwellings front onto large areas of public open space which provide focal points and amenity for the future inhabitants. The proposal includes the provision of a leisure centre with gym and spa, footways and cycleways to support active living.

The Senior Planning Officer reported that studies and assessments submitted with the application demonstrate that utilities can be provided for the development. The Health

Authority considers the development will impact on primary and acute cares services and has requested a financial contribution towards facilities. Utility providers confirm they can service the development.

The Senior Planning Officer reported that although the site lies within an area designated as

Primary Holiday Area in the Core Strategy, the holiday centre closed in 2009 and the Council has previously accepted the argument for its redevelopment. The northern portion of the site will be retained in use as holiday accommodation, with a combination of renovated units and new lodges. The site has been included in the Draft Local Plan Part 2 (Policy HY1) for mix of uses proposed in this application.

The Senior Planning Officer reported that this small-scale retail development

forms part of the wider mixed-use development. The floor space comprises one primary unit 595sqm providing 474sqm of retail space and three smaller units of 82sqm each. This level of provision is similar to that which benefits from the existing planning permission on the site. Based on the previous retail impact assessment which accompanied the existing planning permission a negligible effect was identified on Great Yarmouth Town Centre.

The Senior Planning Officer reported that Paragraph 63 of the NPPF states that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. The Planning Practice Guidance indicates that affordable housing contributions in these circumstances should only be sought on the increase in floor space. There is no increase in floor space on the residential element of the scheme. Therefore, no affordable housing contributions can be sought in line with the NPPF.

The Senior Planning Officer reported that the applicant has provided a viability assessment with the application. The assessment indicates it would not be viable to make contributions to affordable housing (even if they were required) or other section 106 contributions. The assessment does take into account the gifting of the leisure centre and swimming pool to a management company. Any additional financial contributions would worsen the viability on a pound for pound basis. The Council's Property Services agreed with the applicants' viability statement in regard to affordable housing provision on the site.

The Senior Planning Officer reported that the applicant has committed to making contributions to community infrastructure that it considers are reasonable and necessary to enable the development. In this case the payment for the provision of fire hydrants as required by the Building Regulations, £843 per hydrant to Norfolk County Council Libraries £14,100 and as required by the Habitats Regulations £30,690. Additionally, it is providing the recreation centre which will enhance the community infrastructure resulting from the development. These contributions can be secured by legal agreement.

The Senior Planning Officer reported that the applicant has submitted a statement with the application which demonstrates the cost of renovation and enlargement of the units and the provision of the recreation centre would not be viable with the provision of affordable housing or other substantial financial contributions.

The Senior Planning Officer reported that as stated previously in this report the Health Authority has requested contribution of £324,599 towards primary and acute care provision in relation to the development. It is considered that the hospital requirement may not be justified given the wider plans for capital investment by central government at the hospital and lack of detail from the Health Authority about what the contribution would be spent on. Further, the requirement towards intermediate beds and mental health beds also lack justification as to what the money would actually be spent on. The viability assessment identifies that a

contribution towards healthcare facilities or other additional investment in community infrastructure would further decrease the viability of development. It is considered that this proposal represents the best opportunity to regenerate the site, removing dereliction and providing dwellings to deliver the local authorities broader housing requirements.

The Senior Planning Officer reported that in this case the site is adjoining the existing settlement. The site is identified for development in Draft Local Plan Part 2. The location is clearly sustainable, it will result in the regeneration of derelict buildings located in an attractive living environment set in the existing landscaped grounds retaining mature trees and substantial areas of open space. It will protect the amenity of neighbouring property and add a leisure centre and swimming pool for use by the community as well as enhance the local retail opportunity for convenience shopping. The application improves upon the previous outline approval it provides a mix of uses including the renovation of 53 units of holiday accommodation and 38 new holiday lodges. Given the well documented need for the borough to meet its' housing allocation targets it is considered that this proposal can be a pragmatic way to regenerate the site and deliver new homes. It is recommended that the application is approved subject to conditions and the completion of a Section 106 Agreement.

The Senior Planning Officer reported that approval would be subject to conditions including but not limited to the following; approval of the refreshed Habitats Regulations Assessment; that the development be in accordance with the approved plans except where specified, safeguards to remediate any contamination that may be discovered during an intrusive investigation required pre construction, limitation of the hours of construction, recording of any archaeology uncovered, the provision of a fire hydrant(s), measures specified by the lead local flood authority for drainage, measures specified by the highway authority, details of boundary treatments to be agreed and the provision of external louvres on the rear elevation of holiday let Block E. Furthermore, approval would be subject to the completion of a Section 106 agreement to secure the recreation centre and any infrastructure payments that are reasonably required to mitigate the impact of the development. In this case Library contribution and Habitats Regulation Assessment mitigation payment and a S106 monitoring fee(s).

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

Councillor Fairhead asked for confirmation that the cladding would be installed on the buildings would be fire retardant and up to the requisite code. The Senior Planning Officer reported that the cladding would be a composite product and meet current building regulation standards but he would defer and

allow the agent to confirm this.

Councillor Wainwright was concerned that there were not enough parking spaces provided to serve the swimming pool leisure centre. The Senior Planning Officer reported that 28 parking spaces would be available.

Mr Simon Harry, applicant's agent, reported the salient areas of the application and that the proposal before the Committee was considered to be the best option for the site and for the residents of Hemsby and he urged the Committee to approve the application.

Councillor A Wright asked whether the residential and holiday units would be built out at the same time. Mr Harry reported that the build would run concurrently from North to South and meet in the middle of the site.

Councillor Wainwright asked for clarification as to why no affordable housing units were possible on site. Mr Harry reported that all options had been carefully explored for the provision of affordable housing onsite but it was not viable in conjunction with the provision of the leisure centre.

Councillor Bensly, Ward Councillor, addressed the Committee and reported that this scheme was the best outcome for the residents of Hemsby as it provided holiday accommodation, a leisure centre, private housing and retail units and he urged the Committee to approve the application.

Councillor Candon reported that he supported the application as it was a fantastic example of regeneration in the rural north of the Borough. Councillor A Wright reported that it was the best application which had been put forward for the site in the last ten years and he supported the application. Councillor Flaxman-Taylor & Myers further echoed these sentiments provided that the leisure centre facility was delivered for the residents of Hemsby.

Councillor Williamson fully supported the application although he still had reservations regarding the number of parking spaces allocated to the leisure centre which he felt would be insufficient. He also stressed that the building of the leisure centre should be conditioned as part of any approval of the application. The Chairman asked the Planning Manager whether this could be conditioned. The Planning Manager reported that this would form part of the s106 agreement for the application as a facility in perpetuity.

Councillor Wainwright reported that he fully supported the application and proposed approval of the application with the required conditions. This was seconded by Councillor Candon.

RESOLVED:-

That application number 06-20-0422-F be approved; subject to conditions including but not limited to the following; approval of the refreshed Habitats Regulations Assessment; that the development be in accordance with the approved plans except where specified, safeguards to remediate any

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

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4 OMBUDSMAN & APPEAL DECISIONS

The Committee received and noted the above appeal decision.

5 ANY OTHER BUSINESS

The Chairman reported that there was no other business of sufficient urgency to warrant consideration at the meeting.

The meeting ended at: 18:00