

**THURSDAY, 11 MARCH 2021**

Minutes of a meeting of the **Development Committee** held in the remotely via Zoom at 9.30 am when there were present:

**Councillors**

Mrs P Grove-Jones (Chairman)  
Mr P Heinrich (Vice-Chairman)

Mr A Brown  
Mr P Fisher  
Mrs W Fredericks  
Mr N Lloyd  
Mr A Varley

Mr C Cushing  
Mrs A Fitch-Tillett  
Mr R Kershaw  
Mr G Mancini-Boyle  
Mr A Yiasimi

Mr T FitzPatrick (In place of Mr N Pearce)

Mrs L Withington (Sheringham North Ward)

**Officers**

Mr P Rowson, Assistant Director for Planning  
Mr N Doran, Principal Lawyer  
Mr G Lyon, Major Projects Manager  
Mr J Mann, Major Projects Team Leader  
Miss J Medler, Development Management Team Leader  
Ms T Meachen, Senior Planning Officer  
Mr C Young, Conservation, Design and Landscape Team Leader  
Miss L Yarham, Democratic Services & Governance Officer (Regulatory)  
Mr M Stembrowicz, Democratic Services and Governance Officer (Scrutiny)

**78 TO RECEIVE APOLOGIES FOR ABSENCE AND DETAILS OF ANY SUBSTITUTE MEMBER(S)**

An apology for absence was received from Councillor N Pearce, with Councillor T FitzPatrick in attendance as his substitute.

**79 MINUTES**

The Minutes of a meeting of the Committee held on 11 February 2021 were approved as a correct record.

**80 ITEMS OF URGENT BUSINESS**

None.

**81 DECLARATIONS OF INTEREST**

<u>Minute:</u>	<u>Councillor:</u>	<u>Interest:</u>
82	Mr R Kershaw	Has been lobbied in writing and in person by Bernard Smith.
83	Mr A Varley	Has been in correspondence with Parish Council and local residents, including the speaker in attendance at

		this meeting.
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The Chairman stated that correspondence had been sent to the Committee by the agent and objector for Sheringham PF/20/1564. Members confirmed that they had read the correspondence.

82 **SHERINGHAM - PF/20/1564 - VARIATION OF CONDITION 2 (APPROVED PLANS) OF PLANNING PERMISSION PF/14/0887 (PARTIAL DEMOLITION OF HOTEL AND ERECTION OF SIX RESIDENTIAL APARTMENTS AND SINGLE-STOREY REAR EXTENSION TO HOTEL) TO AMEND THE DESIGN; FORMER BURLINGTON HOTEL, THE ESPLANADE, SHERINGHAM FOR JAEVEE SPV1003 LTD**

The Development Management Team Leader presented the report and referred to the slide presentation that had been supplied to the Committee. She reported that a further representation had been received and circulated to the Committee, which raised concerns regarding the failure to build the full width of the site, reduction in car parking, substation construction and failure to use the approved bricks. As a correction to the report, she stated that there would be a shortfall of two car parking spaces, with 10 proposed in the current application whereas there were 12 spaces in the approved scheme. She understood that a letter in support of the application had been sent to the Committee by the applicant's agent. She recommended refusal as set out in the report.

Public speakers

Stephen Pegg – Sheringham Town Council  
Bernard Smith – objecting  
Debi Sherman – supporting

Councillor Mrs L Withington reiterated the concerns raised by the Town Council and local residents. The Burlington was the only building of its type left in Sheringham and it was important to retain its ethos. She had received a number of concerns that this building could end up in the same state as the Shannoeks, which had been a blot on the landscape for many years. She urged that this matter be resolved in a way that retained the integrity of the building.

Councillor P Heinrich considered that there was no real clarity as to why the new steel sections had not been built according to the approved plans. He asked if it was known if the original builders had followed those plans, and why the current developers could not remediate any faulty work and return to the original designs. The current proposals presented significant changes to the approved design, which the Conservation and Design Team considered were unacceptable and damaging to the Conservation Area. He considered that the public benefit of completing the build and returning the building to use did not outweigh the design issues, and that the report and its conclusions were clear. He proposed refusal in accordance with the recommendation of the Assistant Director for Planning.

Councillor N Lloyd seconded the proposal.

Councillor R Kershaw commended the officers for the work they had put into the report. He considered that the Burlington was a very important building and did not wish to see it go the same way as the Shannoeks. He could not understand why the approved plans had not been followed and could not see any demerit in them. He appreciated the need for housing, but supported the Officer's recommendation.

Councillor A Yiasimi stated that the Committee wanted to see the building used, but works had to be carried out in the appropriate way and within the policy framework.

Councillor T FitzPatrick stated that he had missed part of the presentation and discussion due to a power cut and would therefore abstain from voting on this matter.

**RESOLVED** by 12 votes to 0 with 1 abstention

**That this application be refused in accordance with the recommendation of the Assistant Director for Planning.**

The Assistant Director of Planning stated that this was a part retrospective matter. He understood Members' comments with regard to bringing the building back into use. A number of options would be pursued with the applicant, with the intention of bringing about the best possible outcome for the building and the wider community. Members would be kept updated on this matter.

83 **LUDHAM - PF/19/0991 - RESIDENTIAL DEVELOPMENT CONSISTING OF 12 DWELLINGS WITH ASSOCIATED ACCESS FROM WILLOW WAY, FOOTPATH TO SCHOOL ROAD, OPEN SPACE, LANDSCAPING AND PARKING: LAND SOUTH OF SCHOOL ROAD, LUDHAM**

The Major Projects Team Leader presented the report and displayed an aerial photograph showing the location of the site, and site layout plan. A slide presentation had been circulated to the Committee prior to the meeting. He reported that one further public comment had been received, raising concerns regarding groundwater and surface water flooding. He recommended approval of this application, subject to the completion of a Section 106 Obligation and the imposition of conditions as set out in the report.

Public Speaker

Jo Read (objecting)

Melissa Burgan, the agent for the application, was unable to attend the meeting and had submitted a written statement in support, which was read out by the Major Projects Team Leader.

Councillor A Varley, the local Member, thanked the Officers for their presentation and report, and wished to note his thanks to Rob Parkinson who had now left the Authority. He stated that Ludham was capable of expansion, and was a sustainable and caring community. He considered that the proposed development fitted in with the characteristics of the village. He referred to the flood risk issues and was pleased to see that risk assessments had been carried out and the planned mitigation measures would be effective and in accordance with Policy EN10. He stated that most of the representations from local residents related to foul drainage concerns. It was important to take into account the overall issues of flooding and foul drainage, and whilst it was stated that Anglian Water had increased capacity, he sought assurances that all necessary improvements would be made to ensure that this development did not have implications for Willow Way or other parts of Ludham. He requested that contributions from the Section 106 monies be given to the community to investigate surface water issues on Willow Way to ensure that the problems were not exacerbated. He expressed his gratitude to Giles Bloomfield of

the IDB for his advice. He was disappointed that affordable housing would not be provided on site, which was a departure from Policy LUD01. However, he was pleased that a financial contribution would be made towards the provision of affordable housing and requested that the Council work with the Parish Council and himself to identify a site to provide the affordable dwellings locally. He stated that he had been involved with this application for a long time and had been lobbied by the Parish Council and local residents on both sides of the argument. He had remained impartial throughout the process and, although he shared concerns on the key aspects of this matter, he was willing to listen to the full discussion and would vote on this application.

Councillor G Mancini-Boyle stated that he was reasonably content that there was a good mix of elderly and infirm housing in the scheme, but would like to see more affordable housing provision.

Councillor A Brown supported the application. He stated that the site had been identified in the site allocations policy, the Parish Council was in favour and the local Member had spoken positively about the proposal. He had concerns that the Section 106 Agreement could not ensure that the affordable housing contribution was invested within Ludham in the future. He was also concerned in respect of foul sewerage provision and hoped that Anglian Water would provide capacity for this development. He requested that the Council feed back to the Parish Council when the open space contributions were received and the schemes to which they would be applied.

The Principal Lawyer explained that the policy obligations required affordable housing to be provided on site. However, this application would provide affordable housing by way of a financial contribution, secured by legal agreement, to be made to the Council for its overall strategy to provide affordable housing. Whilst it was in the interests and objectives of the Council to provide that housing locally, it was subject to market forces and the ability to secure appropriate sites for its delivery.

The Chairman stated that surface water was one of the main factors in the overflow of sewage. Surface water was allowed to flow into the sewers, which in a heavy downpour would cause the sewerage system to overflow and sewage could enter rivers and dykes.

Councillor Mrs W Fredericks referred to the housing waiting list for Ludham. She asked where the affordable dwellings would be built, and why they were not being provided on site when the site was large enough for 15 dwellings. She stated that this proposal did not provide an opportunity for local people and families to remain in their village. She was very disappointed that there was no information as to where the affordable housing options would be or what form they would take.

The Major Projects Manager explained that the affordable housing contribution would be held in an affordable housing pot managed by the Council. The Council's Housing Enabling Team would work with Councillor Varley and Ludham Parish Council to find a solution for Ludham, and in the event that it was not possible, it would be widened out to other areas. Ludham would be the priority but it was important that the opportunity to deliver affordable housing in the District through this contribution was not lost if it could not be delivered in that location.

The Chairman understood that the reason for rejecting 15 dwellings on the site under the previous application was due to capacity issues with the sewerage system.

Councillor P Heinrich stated that he was broadly in favour of the application, but had some reservations regarding the ability of Anglian Water to mitigate the flood risk. He expressed concern that conditions experienced during the current winter period were likely to occur more frequently with rising sea levels, and wanted to be absolutely sure that Officers were satisfied that the proposed flood mitigation could cope with 100 year events. He also shared the concerns raised regarding affordable housing and considered that it was essential that the Council used its best endeavours to ensure that affordable housing was provided in Ludham or very close to it.

Councillor Mrs A Fitch-Tillett stated that she had extreme concerns regarding flooding and surface water drainage, particularly as the Lead Local Flood Authority did not keep drains clear. The water table was exceptionally high and it was essential that Building Control was strict in enforcing the necessary requirements. She was concerned that the proposed mitigation measures would not be successful given the current climate.

Councillor T FitzPatrick considered that the applicants had made a great deal of effort to address the concerns raised by the Conservation and Design Team and Highway Authority. With regard to affordable housing, it was a question of the robustness of the Section 106 Obligation and the Council using the money to the best effect in the local area. He considered that the development was well thought out and the applicants had taken into account the advice and guidance given to them. He proposed approval of this application as recommended.

Councillor A Yiasimi supported the comments of Councillor FitzPatrick regarding the thoroughness of the application. However, he had concerns regarding the affordable housing and flooding issues and asked that they were given serious consideration.

At the request of the Chairman, the Principal Lawyer confirmed that Anglian Water had a legal duty to provide sewerage services to new development. They were the experts in the provision of those services and should ensure suitable capacity was available.

Councillor C Cushing considered that enough had been done to allow this application to be supported. He asked how issues of archaeology were mitigated.

The Assistant Director for Planning explained that Norfolk County Council was the statutory consultee on archaeology, and any mitigation and exploration work required prior to development was undertaken at the expense of the applicants and discharged by this Council in liaison with the County Council.

Councillor Cushing seconded the proposal to approve this application.

The Assistant Director for Planning stated that he appreciated that this was a difficult application. The site had been allocated in the Local Plan for a number of years and had proven difficult to bring forward. The affordable housing issue was well understood by officers and in the event of approval, the Section 106 Obligation would be worked through to ensure that it was delivered locally and made available to the community. There was a firm commitment to delivering the affordable housing within Ludham, but it was necessary to work within legal constraints and if a viable site could not be found it might be necessary to look elsewhere as the time limit for holding the funds approached. With regard to foul water drainage and flood risk,

Officers had carefully considered the technical advice and although finely balanced, they considered that suitable mitigation could be achieved.

Councillor Varley asked if it was possible to add a clause to ensure that the flooding issues in Willow Way and other parts of the parish were not exacerbated by the development.

The Assistant Director for Planning explained that it was open to the Committee to instruct Officers to add an informative to any decision notice, with the wording to be agreed with the Chairman and local Member. This would not be a planning condition, but it was intended to inform the developer and statutory undertakers.

Councillor Mrs Fitch-Tillett stated that she was more content with regard to the flooding issues than she had been earlier on, and considered that it would be helpful to include wording to ensure that Anglian Water fulfilled its duties in a speedy manner and the situation was monitored by the Lead Local Flood Authority.

Councillor Varley stated that he would feel more confident with a written informative as suggested.

The Assistant Director for Planning stated that if agreed, he would draft an informative for agreement by the Chairman and local Member.

The Chairman reminded the Committee that Anglian Water was only responsible for sewerage and not surface water drainage, which was the responsibility of the County Council.

Councillors FitzPatrick and Cushing, as proposer and seconder of the motion, confirmed that they were happy to include the informative as suggested.

**RESOLVED** by 12 votes to 0 with 1 abstention

**That this application be approved subject to the prior completion of a Section 106 Obligation within three months of the decision and the imposition of conditions and that the application be refused if a suitable section 106 agreement is not completed within three months of the date of resolution to approve and, in the opinion of the Assistant Director of Planning, there is no realistic prospect of a suitable section 106 agreement being completed within a reasonable timescale, in accordance with the recommendation of the Assistant Director for Planning, and subject to the inclusion of an informative regarding flooding issues on the decision notice to be agreed with the Chairman and local Member.**

## 84 **APPEALS SECTION**

### a) **NEW APPEALS**

The Committee noted item 9(a) of the agenda.

### (b) **INQUIRIES AND HEARINGS - PROGRESS**

The Committee noted item 9(b) of the agenda.

Holt PO/18/1857 - The Major Projects Manager reported that a decision was due by Friday 12 March but at the time of this meeting a decision was still awaited.

Cley-Next-The-Sea ENF/18/0164 – The Assistant Director for Planning reported that the mediation process had been successful. A revised set of proposals had been received which would be reviewed by the Planning Appeal Team and advice given to the appellants. The appellants would then decide whether to submit a planning application by 26 March. The enforcement notice and planning appeal remained live. Members would be kept updated on progress.

North Walsham ENF/18/0339 – a planning application was awaited.

Itteringham ENF/17/0006 / CL/19/0756 – the hearing had taken place earlier in the week and it was hoped that a decision would be issued by the Planning Inspector within 6 weeks.

**(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND**

The Committee noted item 9(c) of the agenda.

High Kelling ENF/16/0131 – the Planning Inspectorate was being pressed to issue a decision in this matter.

**(d) APPEAL DECISIONS**

The Committee noted item 9(d) of the agenda.

**(e) COURT CASES – PROGRESS AND RESULTS**

The Committee noted item 9(e) of the agenda.

The Assistant Director of Planning updated the Committee with regard to the demolition of the Shannoeks Hotel, Sheringham. The compulsory purchase appeal was now subject to an agreement between the site owners and the Council with a timetable for development of the site, which required demolition to commence by 1 May 2021 and to be completed by 1 June 2021. A small building adjoining the hotel would be demolished by the Council, starting on 15 March, which would start the wider demolition of the Shannoeks. A construction/demolition compound would be erected on the promenade car park which would be used whilst demolition was taking place. Work on redevelopment of the site was required to commence within one year of the demolition and be completed within two years from the demolition date; significant departure from that process would result in the site being ceded to the District Council. This will be confirmed to Cabinet Members, the Town Council and local Members in writing.

Councillor R Kershaw thanked the Legal Team for the way this matter had been approached to achieve a very satisfactory result.

**85 SARAH ASHURST**

The Chairman reported that Sarah Ashurst, the Development Manager, would shortly be leaving the Authority for a more senior role at Norwich City Council. She requested that the Assistant Director for Planning pass on her good wishes to Ms Ashurst.

The meeting closed at 11.20 am.

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CHAIRMAN  
Thursday, 8 April 2021