

Development Committee



NORTH
NORFOLK
DISTRICT
COUNCIL

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TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 3 March 2021

A meeting of the **Development Committee** will be held **remotely via Zoom** on **Thursday, 11 March 2021 at 9.30 am.**

Please note that due to the Covid-19 restrictions, meetings of Development Committee will be held remotely via Zoom video conferencing and live streamed on Youtube.

Public speaking: If you wish to speak on a planning application on this agenda, please email DemocraticServices@north-norfolk.gov.uk no later than 5.00 pm on the Tuesday before the meeting and include a copy of your statement. You will have the opportunity to make your statement by video link but in the event that this is not possible, or if you would prefer, your statement will be read out by an officer.

This meeting will be broadcast live to Youtube and will be capable of repeated viewing. The entirety of the meeting will be filmed except for confidential or exempt items. If you attend the meeting and make a representation you will be deemed to have consented to being filmed and that the images and sound recordings could be used for webcasting/ training purposes.

Emma Denny
Democratic Services Manager

To: Mrs P Grove-Jones, Mr P Heinrich, Mr A Brown, Mr C Cushing, Mr P Fisher, Mrs A Fitch-Tillett, Mrs W Fredericks, Mr R Kershaw, Mr N Lloyd, Mr G Mancini-Boyle, Mr N Pearce, Dr C Stockton, Mr A Varley and Mr A Yiasimi

Substitutes: Mr T Adams, Dr P Bütkofer, Mrs S Bütkofer, Mr V FitzPatrick, Mr N Housden, Mr J Punchard, Mr J Rest, Mrs E Spagnola, Mr J Toye and Ms K Ward

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



If you have any special requirements in order to attend this meeting, please let us know in advance

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

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A G E N D A

PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN

PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE AND DETAILS OF ANY SUBSTITUTE MEMBER(S)

3. MINUTES

To approve as a correct record the Minutes of a meeting of the Committee held on 11 February 2021.

4. ITEMS OF URGENT BUSINESS

(a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

(b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.

5. ORDER OF BUSINESS

(a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.

(b) To determine the order of business for the meeting.

6. DECLARATIONS OF INTEREST

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest.

OFFICERS' REPORTS

ITEMS FOR DECISION

PLANNING APPLICATIONS

7. 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

(Pages 1 - 40)

8. 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 (Pages 41 - 94)

9. APPEALS SECTION (Pages 95 - 98)

- (a) New Appeals
- (b) Inquiries and Hearings – Progress
- (c) Written Representations Appeals – In Hand
- (d) Appeal Decisions
- (e) Court Cases – Progress and Results

10. ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE
CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4
ABOVE

11. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:-

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A (as amended) to the Act.”

PRIVATE BUSINESS

12. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF
THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM
4 ABOVE

13. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM
CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

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Agenda Item 7

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

Major Development

Target Date: 21.10.2019

Extension of Time: 28.02.2021 (Further extension to be agreed beyond Development Committee date prior to Committee)

Case Officer: Tracey Meachen

Full Planning Permission

SITE CONSTRAINTS

Core Strategy - Countryside

Core Strategy - Residential Area

Core Strategy - Settlement Boundary

Landscape Character Area – Settled Fen Landscape Character Area

Proposed Residential Use Allocation

SFRA - Flood Warning and Flood Alert Area

SFRA - Flood Zone 2

SFRA - Dry Islands

Unclassified Road

RELEVANT PLANNING HISTORY

PF/17/1008 PF

Land south of School Road, Ludham, Great Yarmouth, NR29 5QN

Erection of 15 dwellings, new highway access, open space & landscaping

Refused 24/11/2017

This application was refused by delegated powers on the grounds of:

- Inappropriate density of the scheme,
- Would detract from views of grade I listed church,
- Uncharacteristic development in terms of design and layout,
- Lack of public benefits,
- Failed to demonstrate designated conservation sites would be protected from visitor pressures, and
- There would be capacity in Sewerage Treatment Works, with no adverse impacts on water quality within any protected watercourses.

SITE AND SURROUNDINGS

Ludham is a small village on the edge of the Norfolk Broads, and surrounded on 3 sides by the rivers Ant, Bure and Thurne as well as Womack Water. The application site is accessed from School Road and Willow Lane. There is a public footpath from Pound Lane towards Norwich Road, but with no visible access onto Norwich road.

The application site is located on agricultural land on the north west corner of the village. The site is adjacent a number of existing bungalows to the north and the east, with further

agricultural land to the south, and with further residential dwellings beyond, and to the west. The site would be accessed between two bungalows, numbers 10 -12 Willow Way by extending an existing highway turning head.

The southern boundary of the arable field, which the Site forms a part of, is enclosed by properties along Norwich Road (A1062), which is the main road through the village. These properties are predominantly bungalows with a number of two storey properties.

At the junction of School Road and Pound Lane the hedgerow is broken which affords open views towards the site from an informal layby. Views incorporate the settlement edge of Ludham and the parish church of St Catherine.

The site would be visible from a distance when approaching from Pound Road and School Road to the west and south west of the site.

The small residential areas around Whitegates and Broad Reaches are located outside the main village of Ludham, and visually enclose views towards the Site from the west and south west.

There are a number of Public Rights of Way which are on slightly higher ground to the north of the site, on either side of Goffins Lane. Views of the site are restricted from both the east and south by the existing settlement of Ludham and the existing topography and vegetation.

THIS APPLICATION

Seeks full permission for the erection of 12 dwellings with associated access from Willow Way, a public footpath to School Road, open space, landscaping and parking. The proposed development comprises of the following mix:

- 1 x 1 bed bungalow
- 3 x 2 bed bungalow
- 5 x 3 bed bungalow
- 2 x 4 bed bungalow
- 1 x 4 bed dormer bungalow with bedrooms in the roof space.

REASON FOR REFERRAL TO COMMITTEE

- The proposal is contrary to adopted Site Allocation Plan Policy LUD01.
- Councillor Adam Varley believes the application is deemed contentious and is of high profile status due to the foul water capacity and system needing further investigation and clarification, in respect of perceived flood risk and possible ecological impacts on the Broads linked to the habitat regulations assessment findings.

CONSULTATION RESPONSES

Amended plans were received in response to the constructive comments made by both the Conservation and Design Officer about the design of the proposed dwellings, and Highways with regard to the road format and width.

The first round of consultation took place for a period of 21 days between 26/07/2019 to 16/08/2019. Following this consultations, amendments included

- Various design changes to elevations of all house types, such as the extension of eaves, exposed rafters, additional dormers, removal of roof lights, changes to window sizes and materials, etc.;
- House Type B was removed entirely and a new House Type G was introduced;
- The layout has been improved in accordance with comments made and to maintain visibility from School Road towards the Church of St Catherine's;
- The wildflower meadow on the western periphery of the site was removed in order to accommodate the now wider house elevation type requested;
- The road entrance from Willow Way was realigned and straightened;
- The pavements were widened at the entrance to Willow Way;
- The estate road was split into two private driveways; and
- Front garden sizes and driveway lengths were reduced.

These amendments were then consulted on for a further 21 days from 04/11/2019 to 25/11/2019.

Further amendments included the Site Layout Plan received 17/12/2019 in response to Highways further comments and the Master Landscape Plan as this was not previously updated to correspond with the amended site plan. No formal consultation was subsequently required as these did not materially change the scheme.

Anglian Water – No objections / comments provided

Comments made 09/09/19.

Their records show no assets owned or adopted are located within the development boundary.

Wastewater services:

It was confirmed that the foul drainage from this development, which is within the catchment of Ludham-Walton Hall Water Recycling Centre, currently does not have capacity to treat the flows from the development site. However, Anglian Water agree they are obligated to accept the foul flows from the development if it receives planning consent. They are therefore committed to undertaking the necessary steps in ensuring there is sufficient treatment capacity should planning permission be granted.

Used Water Network:

Based on the submitted FRA & Drainage Strategy report, the sewerage system currently has available capacity for these flows. However, the developer should serve notice under Section 106 of the Water Industry Act 1991 if they wish to connect to it. They would then be advised on the most suitable point of connection. A number of informatics have also been suggested.

Surface Water Disposal:

A sustainable drainage system (SuDS) is the preferred method of surface water disposal followed by discharge to watercourse, and the connection to the sewer seen as the last option. As the details of the proposed method of surface water management submitted do not relate to Anglian Water operated assets, comments on the suitability of the surface water management cannot be provided. They suggest the Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should also be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

No further comments were made during the re-consultation.

Community and Environment Services (Norfolk County Council) – Comments received.

An archaeological evaluation by trial trenching took place on the application site in 2013 where evidence relating to settlement and other activities dated to the Anglo-Saxon, medieval and post-medieval periods were found. The potential is there for previously unidentified heritage assets to be buried within the site. As the significance of archaeological remains could potentially be affected by the proposed development, a programme of archaeological work in accordance with National Planning Policy Framework 2019 paragraphs 189 and 199 is requested should the application be approved. Planning conditions were requested as follows:

- A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and*
- 1) The programme and methodology of site investigation and recording,*
 - 2) The programme for post investigation assessment,*
 - 3) Provision to be made for analysis of the site investigation and recording,*
 - 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation,*
 - 5) Provision to be made for archive deposition of the analysis and records of the site investigation and*
 - 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.*
- B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).*
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.*

In this case the programme of mitigatory work will comprise an archaeological excavation in accordance with a brief to be issued by Norfolk County Council Environment Service historic environment strategy and advice team. We now charge for our involvement in almost all planning cases.

Conservation and Design (North Norfolk District Council) – No objection subject to careful consideration of comments raised.

Comments made on 03/09/19

Angular views towards the nearby Grade 1 Listed Church and Conservation Area need to be taken into serious consideration when contemplating the development.

Concerns were raised as follows:

The siting of the D house type on Plot 10 is too detached from the main body of the development. Two storey dwellings should be avoided to the edge of the site and doesn't respect the angular views across the site towards the Grade 1 Listed Church and the

Conservation. It would be better located within the north east section of the land available with the two chalets being more definitively 'linked'

Specifically, on house type 'D' two dormers were suggested on the front elevation with exposed rafters and two '3' casement windows either side in line with the dormers above to provide balance and symmetry.

A maximum of 6 roof lights were suggested to the rear elevation. A minimum of 24 metres needs to be achieved between the rear principle windows of the proposed and the existing dwellings on Willow Way and School Road due to the height, though a greater distance would be better.

The depth of House Type C was considered too large creating a usable amenity which would be too small for the future owners. Therefore, plots 11 and 9 needed to be reduced in depth.

Suggested more architectural expression is used to enhance the designs, more contemporary lightweight fenestration is included, and the use of a stone Plinth or exposed raftering could be considered to add additional visual interest.

Comments made on 22/10/19 following revised plans:

General points that would be beneficial to all the properties.

The windows should be recessed from the walled elevations.

The eaves line should not fall on the window heads, there needs to be at least one brick course gap.

Slate should not be considered on the roof.

Buff bricks are not appropriate.

Mix of smut clay tiles and red clay tiles would be more appropriate.

White Upvc Fascia and barge boards are not acceptable. Please use dark fascia boards, black or dark rainwater goods also.

Plot 'A' - Exposed Rafters Beams would be considered an improvement to the design. The smut tiles, subject to a sample being submitted could be considered acceptable. The half-timber and brick finish is considered acceptable. Garages could be positioned either side of the footpath between plots 5 and 6. Forward of these garages, the fence could be 1 metre high to make the footpath more 'open' for pedestrians. Furthermore, the footpath should be wider similar to the width achieved in the Landscape Masterplan. Indeed the fence / hedge / grass / footpath arrangement originally designed should be kept.

Plot 'B' - The removal of Plot 'B' is welcomed.

Plot 'C' - Corbelling, quoining or eaves details to be considered, and windows are too uniform. The use of a larger brick plinth is recommended. The buff brick with the blue engineering course is not appropriate in this location and a material matching one of the other acceptable dwelling materials proposed should be considered. Plot 12 in particular needs to be further angled away from the neighbouring property 12 Willow Way.

Plot 'D' - An External brick stack is suggested rather than the flue. Exposed rafter feet details are suggested. The porch needs a small window to the side. The W.C should be a single casement window and all, or the lower part, obscure glazed. Dark fascia boards instead of white, with black or dark rainwater goods. The rear roof lights should be shown correctly on the floor plans. Corbeling brick detailing is suggested. Small roof hips could help reduce the visual mass and a bulk. The smut tile or a clay pantile would be better than slate.

Plot 'E' Details generally acceptable. Plot 1 should be rotated further to face west. There should be a brick wall introduced concealing only the rear garden. The side elevation should have a lower 1 metre high wall or fence.

Plot 'F' - A dark grey Pantile is recommended.

Plot 'G' - A red pantile is recommended. The Hallway could be enlarged. The property needs a brick plinth base ideally.

Comments made 29/01/21

- The relocation of two-storey (Type D) house to the north east corner of the site will help in terms of mitigating the impact of the development upon the setting of the Grade I listed church. Inevitably, however, the scheme as a whole would still impinge upon, and in some cases block, existing views of the church tower from School Road. A modest amount of harm to the overall significance of this designated heritage asset therefore needs to be factored into the planning balance.
- The development would have no impact upon the Ludham Conservation Area.
- The layout remains broadly acceptable, albeit the changes made have unfortunately resulted in a slightly more regimented configuration of dwellings about the central space.
- The revisions that have been made to the individual house types, although generally to be welcomed (and broadly in accordance with earlier suggestions), have not in practice significantly lifted the overall quality of building design. For the most part, the units remain generally mild-mannered but ultimately would be lacking in genuine visual interest and innovation.
- The solar panels on the red roofs would be unfortunate eye-catchers within the landscape.
- The landscaping around the perimeter of the site would be crucial in terms of bedding the development into the existing built envelope.

Environmental Health (North Norfolk District Council) – No objections

Recommended as the proposal intends to connect the development to mains sewer, the applicant may need to consult Anglian Water with regard the additional foul sewage discharge.

Landscape and Ecology Officer (North Norfolk District Council) – no objection subject to planning obligations secured through a Section 106 Legal Agreement.

Comments made on 23/12/20.

Main points made include the following:

- Policy LUD01 requires the prior approval of a scheme of mitigation to minimise impacts on the Broads/Broadland SAC/SPA/Ramsar sites and Great Yarmouth and North Denes SAC; and
- Demonstration of adequate capacity within the sewage treatment works to ensure no adverse effects on European wildlife sites from water quality impacts.
- Since the publication of the Site Allocations DPD, new evidence has become available regarding the potential impacts of visitor disturbance arising from increased residential development across the county. This has led to the combined Norfolk local planning authorities document, the 'Green Infrastructure and Recreational Avoidance Mitigation Strategy' (GI/RAMS) which is currently being finalised for publication. It is expected to result in a developer charge for any new residential and tourism accommodation in the county, using a zone of influence based approach.

- A further HRA of the planning application is also considered necessary due to time passed and new evidence.

In addition, the planning application (ref. 17/1008) for a development of 15 residential dwellings on the site was refused in November 2017. Included in the reason for refusal was the failure to provide sufficient evidence to demonstrate that the development would not result in an adverse impact on designated nature conservation sites due to increased visitor pressure or that there was sufficient capacity in the receiving sewage treatment works to receive foul water from the development.

The current application included an Ecological Survey report (Norfolk Wildlife Services, 25th January 2019) and within the Ecological Survey report is a brief assessment of the effects of the development on nationally and internationally designated sites (Section 5.2.1-17). This assessment recommends that:

- the development contributes to the council's Habitats Regulations monitoring work as advised by Natural England secured through a S106 agreement; and
- to ensure drainage facilities have the capacity to treat additional water as a result of new development, that this issue of capacity and water quality is for Anglian Water to resolve when identifying future infrastructure investment requirements and is not a matter for the LPA.
- Due to the emerging Norfolk-wide strategic GI/RAMS and the new evidence obtained for the strategy, it has become apparent that the developer contribution required to fund the mitigation is likely to increase significantly. Therefore, the £50 identified in the Norfolk Wildlife Services Ecological report and the Planning, Design and Access Statement is unlikely to be sufficient and the Draft Heads of Terms for the S106 will need to be amended to reflect the final figure of the GI/RAMS.
- In addition, the Planning, Design and Access Statement states (page 2) that reassurances have been secured from Anglian Water (AW) that the required capacity at Ludham WRC will be provided and that AW have planned for this. The necessary permit from the Environment Agency (EA) has already been secured. Confirmation was received by the applicant from AW's Pre-development Planning Manager in a letter dated 10th May 2019 that Ludham WRC has been identified as an AMP7 investment scheme to provide additional flow capacity between 2020 and 2025. AW applied for a permit change to increase the Dry Weather Flow, which was approved in January 2019 for Ludham WRC. Further clarification was provided for in an email dated 5th June 2019, which states "the new permit means there is capacity within the permit for the 12 dwellings proposed", however that AW does not reserve capacity for sites without planning permission.

Comments made on 23/12/20:

The HRA for the development has been completed which 'requires that a developer contribution, in line with the emerging GI/RAMS, is required to be secured via a S106. This increases the developer contribution from the previously suggested £50 per dwelling to approximately £205.20 per dwelling'.

Lead Local Flood Authority (Norfolk County Council) – No comments

Local Highways Authority (Norfolk County Council) – supports the plans as amended subject to conditions.

Comments made on 22/08/19: In response to the proposed layout as set out in drawing 18-1483-02A the following comments were offered:

1. Bends should have a minimum centreline radius of 20m so the radius of the first bend is too tight.
2. Too much adoptable carriageway is proposed. Should instead provide a turning head so the rest of the site can be served by two private drives.
3. We would normally expect estate roads to be a minimum of 4.8m wide. The plan and the planning statement indicate different widths for Willow Way. Road widths to be confirmed and Willow Way widened adjacent the site as necessary.
4. The change in footway width is too abrupt.
5. For the avoidance of doubt a footway link to School Road would require the extension of the existing footway and the layout plan annotated to confirm this provision.

Further comments made on 22/11/19: In response to the amended layout in drawing 18-1483-02D, the following comments were offered:

1. The applicant failed to confirm the existing carriageway width of Willow Way fronting Nos 12 & 14.
 2. A footway should be provided around all sides of the proposed turning head.
 3. Turning heads should be sized so large vehicles can manoeuvre without overhanging the footways – a slight enlargement of the proposed turning head is required.
- Clarification was also requested re a future road to the southern boundary, in which case, the adoptable standard road should be extended instead of using a turning head, and whether there would be a continual loop road rather than two private drives to the end of the adopted estate road.

Comment received 18/12/19:

The Highways Authority have agreed that the internal layout in drawing 02G is considered acceptable. However footway improvements in the vicinity of No 25 & 34 School Road are still awaited.

Comments received 19/10/20:

Dwg. no. 2135-03-001 was considered adequate to address the issue of off-site works in the form of footway improvements in the vicinity of No 25 & 34 School Road, and can therefore be secured by condition along with a Traffic Restriction Order for a 20mph zone on Willow Way.

The Highways Authority can therefore support the application subject to conditions.

Natural England – No objections / Advice given

Comments received 06/09/2017

Advise that the proposed development provides a financial contribution to your Council's Habitats Regulations monitoring work to offset potential recreational impacts to:

- *Broadland Ramsar*
- *The Broads Special Area of Conservation*
- *Winterton-Horsey Special Area of Conservation*
- *Ludham and Potter Heigham Marshes SSSI*
- *Alderfen Broad SSSI*
- *Ant Broads and Marshes SSSI*
- *Bure Broads and Marshes SSSI*
- *Shallam Dyke Marshes, Thurne SSSI*
- *Upper Thurne Broads and Marshes SSSI*
- *Winterton-Horsey Dunes SSSI*

The Broads SAC and Winterton-Horsey SAC are known for recreational enjoyment and it is likely that new residents will travel a short distance to visit the international sites. A financial contribution to the council's Habitats Regulations monitoring work is therefore suggested, so monitoring of the effectiveness of mitigation measures can be undertaken.

Comments received 08/11/2019

Based on the plans submitted, it is considered the proposed development will have no significant impacts on statutorily protected sites including nature conservation sites, European sites and sites of Special Scientific Interest.

Parks and Recreation Team (North Norfolk District Council) – No objections

A table was provided which showed that, for the housing mix indicated which would provide 12 dwellings, there should be a Public Open Space provision of £30,706 in line with Policies CT1 and CT2.

Planning Obligations Co-Ordinator (Norfolk County Council) – No objections

No response received as below threshold for obligations to be sought by the County Council.

Planning Policy (North Norfolk District Council) – No objection

The land is allocated for residential development in the North Norfolk Site Allocations Document (adopted Feb 2011). Development of the site is subject to Policy LUD01 which allocates the site for not more than 15 dwellings. As the principle of developing this site has been accepted following the adoption of the North Norfolk Local Development Framework Site Allocations Development Plan Document in 2011, subject to the proposal satisfactorily addressing the specific issues raised within Policy LUD01 together with demonstration of compliance with other relevant Core Strategy policies, the principle of development is considered acceptable.

Public Rights of Way & Green Infrastructure (Norfolk County Council) – No objections

Although Ludham Footpath 3, is in the vicinity of the development, it is not affected by it. After further information was provided within amended plans, Norfolk County Council confirmed it had no objection to the application on Public Rights of Way grounds.

Strategic Housing (North Norfolk District Council) – No objection subject to the delivery of affordable housing

Comments made on 01/08/19:

This application is to provide a scheme of 12 homes of which three will be affordable (two for affordable rent and one will be sold on a shared ownership. The reduced level of 25% affordable housing (as opposed to policy complaint 50%) is being proposed under the Housing Incentive Scheme, with the offer of accelerated delivery.

There is a proven housing need for the provision of more affordable housing in Ludham, with 708 applicants on the Housing Register who have a housing need and would consider housing in Ludham. Of these, 69 applicants are in Bands 1 or 2, the highest need.

Proposed Housing Mix

In November 2018 we provided the developer with a mix for three affordable homes in Ludham (based on housing need information and existing supply of affordable homes). The proposed mix of 1 x 1b, 1 x 2b, and 1 x 3b is broadly in line with that mix. The three bed unit would be required to meet Cat M4(2) standards.

Development Control Policies – Housing

The proposed development meets the applicable development control policies in respect of the dwelling mix and type of houses and provision of affordable housing in line with Policies H01 and H02 as below:

H01 – Dwelling mix and Type

- Required 40% of dwellings have two bedrooms or fewer - Proposed 5 out of 12 (42%).
- Required 20% suitable for elderly infirm or disabled – majority of homes are bungalows and houses include provision of downstairs bedroom & bathroom

H02 – Provision of Affordable Housing

Required 50% of dwellings are affordable BUT Affordable Housing (Incentive 2) Reducing the quantity of affordable housing to 25% on large scale development proposals of 11 dwellings or more in defined parts of the district (Ludham is within this area) - Proposed 3 out of 12 (25%).

A Section 106 Agreement will be required to include the Council's standard affordable housing terms to ensure that the homes are protected in perpetuity as affordable housing in compliance with policy H02.

Comments made on 04/12/19:

There are currently 662 households on the housing list who want to live in Ludham. Based on the 75 households in the top priority bands 1 and 2, there would be a preference of six affordable homes to be affordable rented although one of the two-bed homes could be shared ownership. The mix would then be 3 no. one-bed (Two person) Bungalow; 2 no. two-bed (Four person) Bungalow or House and 1 no. three-bed (Six Person) Bungalow or House.

Water Management Alliance (Broads Drainage Board) – No Objection subject to prior consent from the IDB

As the site is near to the Internal Drainage District (IDD) of the Broads (2006) Internal Drainage Board (IDB), the Board's Byelaws apply. Initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development. If for

any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse within the IDD (directly or indirectly), then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy

(https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf).

As the ability to implement a planning permission may be dependent on the granting of these consents, it is strongly recommended that the required consent is sought prior to determination of the planning application.

PARISH COUNCIL COMMENTS

Comments made 07/08/19:

Although Ludham Parish Council supports this application, they have expressed some concerns regarding the foul water system within Willow Way. The system is currently substandard which is recognised as Anglian Water's responsibility. The Parish Council would like assurances from Anglian Water that the drainage system will be fit for purpose.

No further comments were made in respect of the re-consultation.

REPRESENTATIONS

There were two periods of public consultation. The first round of consultations took place for a period of 21 days between 26/07/2019 to 16/08/2019. After amended plans were received, a second round of consultations were undertaken over a 21 day period from 04/11/2019 to 25/11/2019.

During the first public consultation period a total of 7 representations were made. 5 were submitted in opposition to the proposal and 2 comments were received.

The key points raised in OBJECTION are as follows:

- The existing field should be retained as a field;
- Access to proposed development would be adjacent existing dwellings, causing noise and disturbance due to traffic;
- Road is too narrow to cope with additional traffic, especially large construction or refuse/waste vehicles and will impact other nearby roads leading in to Willow Way;
- Traffic turning towards White Gates will join a single vehicle route causing a bottle neck in traffic with poor visibility;
- Area has flooding and drainage issues already, which need addressing prior to development
- The allocated field has been flooded for weeks;
- Drainage issues has led to toilets backing up in heavy rain
- Pikes Nursery sits three feet lower than the proposed site. It is already a moderate flood risk and will suffer from water displacement impacting properties;
- Construction works will cause atmospheric dust which will aggravate asthma sufferers;
- Development does not respect local context or street pattern, and fails to contribute positively to the area;

- Development will harm existing amenities eg on-road parking, green space, privacy and a quiet and safe residential environment;
- This historic example of a Norfolk village should be safeguarded;
- Development would result in an unacceptable level of harm to private amenity areas in terms of an overbearing form of development, potential overshadowing and overlooking and noise spoiling the enjoyment of occupiers within existing gardens; and
- Proposed new hedge should be increased in width to reduce impacts on neighbouring dwellings and to aid biodiversity.

The key points raised as COMMENTS include the following:

- The proposed access for all works traffic through a narrow single track roadway off Willow Way is inadequate and would cause disruption to the surrounding properties as it is the only route in and out of Willow Way Estate;
- Drainage of foul water and sewage should be via Norwich Road as Willow Way system is already inadequate. Otherwise Anglian Water must bring the system up to standard prior to development; and
- There is already access issues through Willow Way due to parked cars, and construction traffic or additional traffic produced by new development will add to existing highways issues.

2 Further objections were received February 2021 as follows:

- Surface water is still a flooding issue, the field still being flooded;
- Foul drainage issues;
- My property will bear the brunt of flooding from the Pikes Nursery development which is at a lower level than the proposed site.
- No 12 Willow Way is only 4 metres from the closest dwelling;
- Current views will be lost;
- Noise risk from proposed adjacent property to 12 Willow Way due to proximity;
- Adjacent garden to 12 Willow Way would remove privacy and a higher fence would restrict light, views and adversely enclose rear garden.

LOCAL MEMBER CONTACT

Councillor A Varley – Comments made on 09/10/20

Ludham is classed as a large growth/service village and encompasses a variety of good amenities: a shop, butchers, school, church, village hall, Doctor's surgery etc. All these facilities are fundamental in allowing the community to thrive and be classed as sustainable living. The services really allow expansion of the village and a greater number of residents to live within the community. This application for the development of 12 houses, on the field south of School Road, would be appropriate and allow sustainable living for the new residents, without extensive use of cars. This development does go towards our commitment of providing more homes for the residents North Norfolk. It is disappointing that the provider is not putting any affordable housing on the allocated site, but after a viability assessment, the developer has agreed on the provision of monies towards 25% for affordable housing in another location in the Parish or local vicinity. This initiative is encouraging and will go towards our priority of having a variety of housing options for residents of North Norfolk.

The access point to the new development being through Willow way seems to be the most appropriate and safer option. The other option would be to have a connected access onto the North; School Road. I feel this would be too dangerous to have a new access point on this road and the initiative to connect the new development onto Willow Way, through to School Road makes sound judgement. Highways have been fully involved with these points on access and believe that this initiative is the best option and will not cause detrimental issues with access of larger vehicles etc. I do ask that the planning department continue to listen to the concerns raised by these residents and act on these if necessary, but explain the mitigated proposals in the plans to make access etc. suitable and safer for residents down Willow Way.

The concept to establish a connecting footpath to the new development and School Road is a very good idea and will ensure that there is a safer access for pedestrians and cyclists. This will enable pedestrians to move through the development and towards the main centre of the village. The connection of this new footpath to existing pavements and overall surface improvement will ensure safer access down School Road – this is a well-used route for residents to get to the school or main village centre.

Overall, I think that the site layout and design aspects are in-keeping and sympathetic to the local area. The dwelling design is suitable and not deterring from the key characteristics of other nearby properties. The site is on low lying land and does have long beautiful views of the edge of the Parish. The developer and officers have clearly worked together on the design concept and I am pleased that this is stated in the landscape report – “The design of the new development (buildings and landscape) will create and enhance the sense of place and local identity, by including hard and soft materials and planting which respects local character and enhances biodiversity.” Residents’ concerns by “spoiled views”, especially of that of the Church are alleviated by careful assessments: “An assessment of views towards the Church was undertaken and confirms that key views to the church on the approach to Ludham along School Road will not be blocked.” This is positive and the incorporation of screening and a “landscape masterplan” will really help to reduce the potential detrimental effects of this development on the landscape. The new green and open spaces will help to create this rural feel and sustain the natural habitat for wildlife. This is very encouraging.

It is clear that this application has been meticulously planned and the design aspects really do go towards maintaining the core feel and values of the local area.

However, I ask on behalf of my own concerns and points raised by the Parish Council and residents, that emphasis is placed on the issue of the pipes and foul drainage system. Ludham and other rural Parishes do have issues with drainage and I just want to make sure that AW’s confirmation of the capacity is deemed satisfactory and will not be detrimental to Willow Way (the housing estate next to earmarked site) or other parts of the Parish.

I feel that this needs confirmation with all those concerned before the decision to approve this can be taken.

Human Rights Implications

It is considered that the proposed development may raise issues relevant to

- Article 8: The Right to respect for private and family life.
- Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

Crime and Disorder Act 1998 - Section 17

The application raises no significant crime and disorder issues.

RELEVANT POLICIES

North Norfolk Site Allocations Plan 2011:

LUD01 – Land South of School Road

North Norfolk Core Strategy Policies 2008:

SS 1 - Spatial Strategy for North Norfolk

SS 2 – Development in the Countryside

SS 3 – Housing

SS 4 – Environment

SS 6 – Access and Infrastructure

H0 1 – Dwelling mix and type

HO 2 – Provision of Affordable Housing

HO 7 – Making the most efficient use of land (Housing density)

EN 2 – Protection and enhancement of landscape and settlement character

EN 4 – Design

EN 6 – Sustainable construction and energy efficiency

EN 8 – Protecting and enhancing the historic environment

EN 9 – Biodiversity and geology

EN10 – Flood risk

EN 13 – Pollution and hazard prevention and minimisation

CT1 – Open Space Designations

CT 2 – Development contributions

CT 5 – The transport impact of new development

CT 6 – Parking provision

Supplementary Planning Documents (SPDs):

North Norfolk Landscape Character Assessment 2021

North Norfolk Design Guide 2008

North Norfolk District Council Housing Incentive Scheme (2013)

National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development

Section 5 – Delivering a sufficient supply of homes

Section 6 – Building a strong, competitive economy

Section 8: Promoting Safe and Healthy Communities

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 - Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment
section 16 – Conserving and enhancing the historic environment

OFFICER ASSESSMENT

Site assessment:

Ludham is designated by the Core Strategy (2008) as a ‘Service Village’ and which has access to a range of facilities such as a couple of shops, school and nursery, church, village hall, public house and doctor’s surgery. Although not within the Conservation Area, the site does afford views towards the Conservation Area and the Grade 1 listed church.

The site is included within the Council’s Site Allocations Development Plan Document adopted Feb 2011 and is referred to as LUD 01 – Land South of School Road. The allocation expected no more than 15 dwellings of which 50% should be affordable housing. Whilst the site allocation states that the site is 1.2 hectares it is actually approximately 1.3 hectares in size. The planning application site area includes all 1.3ha of the policy allocation area.

The site is situated in close proximity to a number of heritage assets, including Church of St. Catherine and F H Chambers Memorial Grounds. However, the site is adjacent a more modern residential development to the north west of the village consisting of a mix of bungalows and houses built in the 1950’s and 1960’s. Materials used were mainly red brick with single pantile roof. This is typical of the buildings within School Lane and Willow Way surrounding the site. Buildings within Catfield Road and High Street become more traditional in character due to the historic centre which still retains many of the oldest buildings in Ludham. Norwich Road has a mix of building styles. The older buildings are located close to the High Street, but as it moves westward, buildings become more modern. The traditional detailing used, such as dormer windows, reflect those of the thatched cottages to the beginning of Norwich Road opposite the grounds of the grade 1 listed church. However, the architectural detailing becomes more basic as you travel further west.

The existing site is accessed from School Lane and Willow Way. Footpaths are provided to the side of the roads within this established residential estate, but there is no street lighting.

Members will be aware that an application for 15 dwellings (PF/17/1008) was previously refused on this site. Notwithstanding this, members should be aware that this application needs to be determined on its own merits.

Members should also be aware that plans have been received during the application to address design issues raised by both the Conservation and Design Officer and Highways Officer and that this has led to a further consultation on the scheme. Members should note that these changes are set out as follows:

- Various design changes to elevations of all house types, such as the extension of eaves, exposed rafters, additional dormers, removal of roof lights, changes to window sizes and materials, etc.;
- House Type B was removed entirely and a new House Type G was introduced;
- The layout has been improved in accordance with comments made and to maintain visibility from School Road towards the Church of St Catherine’s;

- The wildflower meadow on the western periphery of the site was removed in order to accommodate the now wider house elevation type requested;
- The road entrance from Willow Way was realigned and straightened;
- The pavements were widened at the entrance to Willow Way;
- The estate road was split into two private driveways; and
- Front garden sizes and driveway lengths were reduced.

Main Issues to consider:

1. Principle of development
2. Affordable Housing
3. Housing Mix and Type
4. Density, Layout and Design
5. Residential Amenity
6. Historic Environment
7. Landscape
8. Trees
9. Ecology
10. Habitats Regulation Assessment
11. Open Space
12. Highways and Parking
13. Flood Risk and Drainage
14. Sustainable Construction and Energy Efficiency
15. Other material planning considerations
16. Planning Obligations
17. The Planning Balance and Conditions

1. Principle of Development

In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Council can also demonstrate a Five Year Housing Land Supply and the Development Plan is considered to be up-to-date.

The application site is approximately 1.3 hectares in size and the current use of the land is as an agricultural field to the north west of the settlement of Ludham, which is identified within policy SS 1 of the adopted North Norfolk Core Strategy as a service village. The site is allocated within the North Norfolk Site Allocations Development Plan document, and is referenced Policy LUD01. As such, the provision of new market dwellings is acceptable in principle on this site so long as the application is able to demonstrate that it satisfies the requirements of the site allocations policy.

The policy was prepared in accordance with the vision, objectives and strategic policies of the adopted Core Strategy. The following points regarding the site have been made within the supporting text of the Policy LUD01:

- The site is a large agricultural field with no landscape features which lies adjacent residential developments to the south and east;
- Pedestrian routes are available to the school, recreation ground and general store.

- The large site could accommodate 40 dwellings, but this scale is not required within the village;
- A limit of 15 dwellings within the site would allow sufficient landscaping and open space within the site to respect the edge of settlement location and prominence within the local landscape;
- A small part of the site lies within Flood Risk Zone 2, which should remain undeveloped. The site would require a Flood Risk Assessment;
- A programme of archaeological work may need to be carried out;
- There are no surface water sewers in the vicinity of the site;
- The site is in single ownership meaning and the land owner has indicated support for the allocation.

In addition, Policy LUD01 itself limits development potential to 15 dwellings, and sets out a number of key development considerations that any proposals for development on this land should also satisfy:

- On site provision of the required proportion of affordable housing (50%);
- Contributions towards infrastructure, services and other community needs where required;
- A high quality landscaping scheme particularly along the western boundary;
- A form and site layout which will not block views from School Road to the Grade 1 listed church of St Catherine's;
- Prior approval of a scheme of mitigation to minimise potential impacts on the Broads SAC / Broadland SPA and Ramsar site and Great Yarmouth North Denes arising as a result of increased visitor pressure and on-going monitoring of such measures;
- Demonstration that there is adequate capacity in sewage treatment works and no adverse effect from water quality impacts on European Wildlife Sites; and
- A satisfactory FRA with appropriate mitigation measures where required.

The principle of development has been established through Policy LUD01. This proposal for 12 residential dwellings is considered to be acceptable in this context. However the site will be assessed against the key development considerations set out in Policy LUD01 through the relevant sections of this report and a consideration as to the conformity of this scheme to Policy LUD 01 is set out within the conclusion of this report.

2. Affordable Housing

Policy LUD01 of the adopted (Site Allocations Development Plan Document), stipulated that the development will be subject to compliance with adopted Core Strategy policies including on-site provision of the required proportion of affordable housing which is fifty percent.

It was highlighted by North Norfolk Strategic Housing that there are currently 662 households on the housing list who want to live in Ludham. This shows a need for housing in the settlement, and an identified need for affordable housing as identified by the large numbers of people on the housing list.

On the 14th June 2019, the applicant submitted a draft Heads of Term to provide 3 affordable dwellings on the site. On 19th July 2019, an application form was submitted for the North Norfolk Housing Delivery Incentive Scheme, however the applicant withdrew this submission and the proposal cannot be considered in regard to the Housing Delivery Incentive Scheme.

A Viability Assessment was submitted on 7 February 2020 (dated 31st January 2020) seeking to demonstrate that no affordable houses could be delivered on this site on viability grounds. The independent District Valuer assessed the submitted viability assessment and set out that a degree of affordable housing could be provided on the site, but that a policy compliant scheme (50% affordable housing on-site) would be unviable. This proposal is for market housing only but discussions have resulted in the negotiation of an agreement which would provide an off-site affordable housing contribution which is equal to the delivery of 3 affordable dwellings. The requirement of 50% would require 6 affordable dwellings, so this would represent a shortfall of 3. As such, it is proposed an overage clause is put in place which would be triggered at various stages of development. This top-up payment would be dependent on the land sale price.

An agreement for off-site contributions would not fulfil the requirements of policy LUD01 as it was preferred for all the required affordable houses to be provided on the site. However, the site was allocated in 2011, and still undeveloped. An off-site contribution would therefore be considered for 25% affordable dwellings. However, this represents a departure from the Development Plan

Notwithstanding the above the proposal is contrary to Policy HO1 of the adopted North Norfolk Core Strategy, as such this proposal would represent a departure from the Development Plan and the balance of material benefits of the scheme have been set out in the conclusion of this report.

3. Housing Mix and Type:

The Core Strategy has identified, within section 3, a deficit of smaller starter homes of one or two bedrooms. Policy HO 1 'Dwelling Mix and Type' sets out that on schemes of more than five dwellings, at least 40% of the total number of dwelling shall comprise dwellings that do not exceed more than 70 sqm. and which shall incorporate two bedrooms or fewer. In addition, 20% of the dwellings shall be suitable or easily adaptable for occupation by the elderly, infirm or disabled. Where calculations result in a part dwelling required, the figure would be rounded upwards.

On a scheme of 12 dwellings, Policy H01 would require a minimum of 5 dwellings of two bedrooms or less, and 3 dwellings which would be either suitable or easily adaptable for occupation by the elderly, infirm or disabled. Four of the bungalows have one or two bedrooms only. Nearly all the properties are single storey bungalows which have downstairs facilities suitable for the elderly and infirm. In addition, two of the 3 bed bungalows have wheelchair access with wider doors to be built to the Category 2 of Part M of the Building Regulations, 'Accessible and adaptable dwellings' standard. This standard ensures there would be 'reasonable provision for most people to access the dwelling, and incorporates features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users'.

The housing mix and type as indicated on drawing number 18-1483-02G, would therefore accord with policy H0 1 of the North Norfolk Core Strategy.

4. Density, Layout, Design:

One of the reasons for refusal on the previous application (PF/17/1008) was that Policy LUD 01 seeks a low density development on this site, to ensure:

- a sense of openness.
- to reflect the edge of village location and prominence in the landscape, and
- provide sufficient levels of open space

In order to protect views of, and a sense of connection with, the surrounding natural landscape and the village of Ludham, and to protect the distant views of the Grade I listed Church of St Catherine's.

Density

Core Strategy Policy HO7 requires that housing developments in service villages should have an indicative density of not less than 30 dwellings per hectare. The NPPF also seeks to avoid homes being built at low densities due to land shortages for meeting identified housing needs. However, the NPPF also advises that policies should optimise the use of land and should use minimum density standards reflecting the accessibility and potential of an area. Lower densities can be applied if strong reasons can be made as to why a high density would be inappropriate. The NPPF also takes into account the 'desirability of maintaining an area's prevailing character and setting' and the 'importance of securing well-designed, attractive and healthy places'.

Only 12 dwellings are proposed on this site. The proposed dwellings and plot sizes are larger than those within the existing residential estate on adjacent land, and therefore it could be argued that an increased density would have been achievable. However, although the allocation policy (LUD01) stated that the site had the capacity to provide up to 40 dwellings, the site being 1.3 hectares in size, the policy limited development to no more than 15 dwellings.

It was identified that open space and landscaping was important within the site due to its edge of settlement location and its potential impact on the wider landscape and on the character of the area. Limiting the number of dwellings on the site gives a more appropriate density which will fit in with the needs of the village. It would also ensure a rural feel is retained with the provision of adequate open space, generous gaps between dwellings and dwellings served by adequate amenity space which includes parking areas, rear gardens which would provide private amenity space and waste collection areas with side access for waste collection days.

The density also complies with the requirements of the North Norfolk Design Guide which states that achieving minimum densities outlined within Policy H07 should be balanced against preserving local identity and integrating new development into existing settlements. This approach is supported in paragraph 122 to 123 of the NPPF, which states that, although decisions should support the efficient use of land, the prevailing character and setting of the proposed development should also be taken into account.

Therefore, although the application is not in accordance within the requirements of policy H07, it does accord with policy LUD01 of North Norfolk Site Allocations DPD. 15 dwellings were considered the optimum number of dwellings, but as the policy stressed a maximum of 15 dwellings, it implied fewer could be considered. The proposed level of density of only 10

dwellings per hectare would therefore be considered acceptable and within the guidelines of Policy LUD01, subject to the development demonstrating compliance with other relevant Core Strategy Policies.

Layout

The North Norfolk Design Guide requires development schemes to comply with the requirements of Policy EN 4, and has produced a number of principles to help developers achieve this as follows:

- The established form and character to provide a strong steer towards new development;
- Well-designed spaces with a clear purpose and function;
- Clear visual links between buildings;
- The siting and grouping of buildings should reinforce local identity;
- Private garden areas should be of an adequate size and shape; and
- Buildings should be orientated to make maximum use of solar gain.

To support this application a Landscape and Visual Impact Assessment has been undertaken to ensure that the historic views remain in place, and have placed great emphasis on rooftops and tree canopies to lessen the urban impacts and to maintain a countryside setting. The orientation of the buildings has been designed to break up the over regimented estate grid pattern and to create a more contemporary layout which is still harmonious to the existing.

Better links between buildings has been achieved through the amended plans after the comments by the Conservation and Design Officer (Summarised in the tables below), which were meant to improve the overall design quality of the scheme. The layout now shows acceptable levels of open space within a spacious distribution of houses which are well related to each other. The circular arrangement also creates a safer area where frontages are overlooked with natural surveillance that discourages crime. The distinction between public and private spaces, i.e. around the areas of open space, is clearly defined. The rear gardens are in conformity with the requirements of the North Norfolk Design Guide, being larger than the footprints of the properties. The public footpath which connects to School Road is well related to plots 5 and 6, and to the side of 64 School Road.

The Conservation and Design Officer had made a number of comments with regard to the original scheme, which the applicant has largely addressed. As a result, revisions have been made and amended plans submitted. The layout design and the scale of development now proposed within drawing number 18-1483-02G is considered acceptable. The comments and subsequent amendments regarding design are shown in the table below:

Conservation and Design Officer Comments 03/09/2019	Changes made as a result
Angular views towards the nearby Grade 1 Listed Church and Conservation Area need to be taken into serious consideration when contemplating the development.	House types on plots Type B removed for a design with shorter roof height, and type D moved to another plot. Lower roof heights to preserve views.

<p>The siting of the D house type on Plot 10 is too detached from the main body of the development. Two storey dwellings should be avoided to the edge of the site and doesn't respect the angular views across the site towards the Grade 1 Listed Church and the Conservation Area. It would be better located within the north east section of the land available with the two chalets being more definitively 'linked'</p>	<p>Type D replaced with type F which is single storey only and less obstructive to views of the church.</p> <p>Dwelling on Plot 9 close to joint boundary rather than angled away so this plot less visually disjointed.</p> <p>Type D moved to plot 4</p>
<p>Specifically, on house type 'D':</p> <ul style="list-style-type: none"> - add 2 x dormers to the front elevation: - 2 x '3' casement windows either side in line with the dormers above to provide balance and symmetry; - 6 x roof lights to the rear elevation; and 	Comments taken on board.
<p>At least 24 metres between the rear windows proposed and existing dwellings on Willow Way and School Road due to the height.</p>	Properties on plots 2-6 moved further forward in their plots to provide more space between the existing and proposed dwellings.
<p>The depth of House Type C was considered too large creating a usable amenity which would be too small for the future owners. Therefore, plots 11 and 9 needed to be reduced in depth.</p>	Both Plots have changed from house types C and D to house type F which is narrower than type C and not as tall as type D. The proposed house on Plot 10 has been moved forward to provide more private amenity space.
<p>Suggested more architectural expression is used to enhance the designs, more contemporary lightweight fenestration is included, and the use of a stone Plinth or exposed raftering could be considered to add additional visual interest.</p>	Window headers, more variety of house types, better use of plinths and corbelling to visually enhance some plots, greater variety in materials used to include boarding and render, and the addition of dentil course brickwork for some plots, to uplift the standard of design.

Conservation Comments 22/10/19	
<p>Generally:</p> <ul style="list-style-type: none"> - windows should be recessed; and -eaves line to have one brick course gap above window heads; - change of materials suggested 	Windows do not seem to be recessed, but eaves heights have been raised. Change of materials have been taken on board so darker windows, rainwater goods and fascia boards, use of smut, red or grey pantiles instead of slate and multi red bricks instead of buff.

Plot A: - garages could be repositioned; - fence could be 1 metres high; - Footpath widened; and - original fence/hedge/grass/footpath arrangement should be kept.	House types changed, and position of garages on these plots altered to link the plots better, and to improve the layout.
Plot C: - Consider use of Corbelling, quoins or eaves detailing; and - windows too uniform.	Alterations made.
Plot 12 – property needs to be angled away from 12 Willow Way.	Front elevation of proposed property on plot 12 is moved further away, but rear elevation just as near to rear elevation of number 12 Willow Way.
Plot D: - external brick stack to replace the flue; - porch needs small window; - WC needs single casement obscure glazed window; and - corbelling and small roof hips suggested.	Brick stack, and corbelling introduced, plus small hips to main roof. Window detailing not included.
Plot G: - Hallway could be enlarged; and - brick plinth base required.	Brick plinth applied, but hallway stays the same width.

As a result of the changes requested, there have been minor tweaks in the fenestration of the house types, resulting in an uplift in the visual appearance of each unit, and a better balance in design. The relationship between buildings has improved, although this has also led to the loss of a wildflower meadow area between plots 8 and 9. There have been changes in house types on plots to ensure views of the grade I listed church are better preserved. This has been achieved through the use of lower roof heights and the careful positioning of trees to ensure the development merges successfully into its location in order to maintain the character of the edge of settlement.

In addition, the areas of hardstanding for parking have been reduced so that they do not visually dominate and soft landscaping has been proposed to soften the appearance of the development, and to create a distant view into the site.

It is considered that the layout of the scheme is adequate, providing a circular road, and dwellings arranged around it in a circular pattern. The plots are of different sizes, as are the dwellings. Open space is provided within the centre of the circular road which provided a sense of spaciousness. The distinction between public and private spaces is therefore clearly defined. The rear gardens are in conformity with the requirements of the North Norfolk Design Guide; being larger than the footprints of the properties, and of an adequate shape. All plots have adequate amenity space provided in accordance with policy EN4, and as identified within the Design Guide. Houses have also been arranged to create sufficient public views and ensure natural surveillance to discourage crime.

Design

Ludham includes a mix of house design and materials which reflects a pattern of development which spreads out from the village centre. More modern buildings are to the outskirts of the village, while the traditional, historic form is retained closest to the centre. The residential area immediately adjacent the application site is approximately mid-twentieth century housing with a combination of houses and bungalows, set within regimented street patterns. Materials are of red brick and render, and brown concrete roof tiles. Some of the two storey dwellings have red pantile roofs. The estate was built using basic construction methods, and is therefore not of an outstanding appearance. The original designs therefore reflected this building style.

Comments made by the Conservation and Design Officer (summarised in the tables set out in the layout section) have elevated the proposed development in terms of design and materials and introduced a greater variety of dwelling types so the bungalows will not all look the same. Features such as window headers, platform plinths, corbelling and dentil detailing to the eaves have visually enhance some plots. A greater variety in materials is to be used to include boarding and render, and the addition of dentil course brickwork for some plots, to uplift the standard of design. Additional dormers have been agreed, and windows altered in size and positioning to ensure a visual balance is achieved.

Initially, the design sought to provide a traditional vernacular with traditional brick facades and pantile roofs. Some buff bricks and Spanish natural roof slates were to be used alongside selected pantiles and red brickwork, as well as white soffits, rainwater goods and windows. These have now changed to combinations of multi red brickwork with natural boarding and coloured render. There would also be a mix of Smut, red and grey pantiles and dark coloured rainwater goods, doors and windows, and fascia to create a small residential estate of distinctive appearance which would blend into its surroundings.

Design Summary

The density of development, layout and design are considered to be in accordance with the principles of Policy LUD01 and Policy EN 4 of the adopted North Norfolk Core Strategy and the supporting guidance as set out within the North Norfolk Design Guide.

5. Residential Amenity

Site levels and amenity

The positioning of proposed dwellings in the plots within the application site have been well designed to prevent loss of privacy, loss of light or overbearing development. The dwellings outside the site area which would be impacted by the proposed development are number 10 Willows Way due to its proximity to the access road into the site, and number 12 Willows Way due to its proximity to a proposed dwelling on plot 12. The impact is all the more sensitive due to the slope of the agricultural field from north west to south east which would result in raised finished floor levels.

Due to the increasing risk of tidal flooding in the future and the south eastern part of the site already being within flood zone 2, plots 1,11 and 10 followed by plots 2 and 10 would need raised finished floor levels to prevent the risk of flooding during the lifetime of the development. As a result, it was agreed with the Environment Agency that a minimum level

of 3.75 metres AOD would minimise the impact of the 1 in 1000 year + climate change (0.1% + CC) AEP flood level on the development. The Flood Risk Assessment identifies the range in land levels as varying between 6.33 metres AOD to 2.67 metres AOD to the south east. There is therefore a site gradient of approximately 1:50 metres.

Appendix 6 of the Revised Flood Risk Assessment and Drainage Strategy identifies the Finished Floor Level for Plot 12 as having a finished floor level of 3.75 AOD adjacent no. 12 Willow Way. The plot, when taking the lowest AOD close to where the dwelling would be positioned (taken from the Location Plan and Site Plan) of 2.84 metres AOD, would have a FFL 900 metres higher than the existing ground level at this point. Plot 12 would also accommodate house type C which has a roof height which ranges from 4.3 metres to 5.4 metres. Adding on the minimum raised floor level of 900mm from the existing ground level, and the roof height would be a minimum height of 5.2 metres adjacent number 12 Willow Way, (although the eaves height is 2.6 metres without taking into account the FFL) which is a small single storey bungalow with a hedge between the west side elevation and the edge of the field which obscures any side windows of the bungalow from the site. The lowest point of the proposed roof on plot 12 would be furthest from the conservatory belonging to 12 Willow Way, and the properties are separated by approximately 2.2 metres at the nearest point.

Overlooking and overshadowing:

The existing bungalow at 12 Willow Way has a rear conservatory close to the joint boundary, and a small garden with a poor quality fence. There would be no overlooking from the proposed dwelling on plot 12 when looking across to number 12 Willow Way due to the positioning of dwellings and the existing hedge. However, there would be little privacy in the rear garden or conservatory when viewed from the garden of plot 12. A condition relating to a higher hedge or increased landscaping may afford each dwelling private amenity space to the rear garden. As the existing bungalow is east of plot 12, there should be no overshadowing of the property until late afternoon, and the property would already be subject of some shading in the afternoon due to the existing hedge. The Landscape Masterplan drawing number JBA 16/354-01 Rev D appears to show a one metre double staggered native hedge along the edge of the eastern boundary. The height could be conditioned to ensure privacy between the two gardens and for the existing conservatory, or a fence could be added.

Although there is a difference in FFL's levels due to the future potential for flood risk, additional screening between existing and proposed plots would improve areas of private amenity space and reduce overbearing impacts to an acceptable level.

Residential Amenity

The 2017 application for this site was refused because the design proposed would create an unacceptable level of harm to private amenity areas in terms of an overbearing form of development and potential overshadowing and overlooking.

The majority of the plots within this proposed scheme have sufficient distances between the plots and/or existing dwellings to maintain adequate privacy and other residential amenity in accordance with the North Norfolk Design Guide. Plots 1, 3, 4 and 12 need closer examination to ensure their amenity provided would be adequate to occupants of the dwellings on those plots, or to the existing neighbouring dwellings.

The North Norfolk Design Guide has a table which recommends distances between windows based on the type of room.

- Primary to primary windows should be at least 21 metres apart,
- Primary to secondary windows should be at least 18 metres apart,
- Primary to tertiary windows should be 12 metres apart,
- Secondary to secondary should be 15 metres apart, and
- Secondary to Tertiary windows should be 9 metres apart.

The design guide defines these as:

- Primary – main living room windows;
- Secondary – bedroom, kitchen and dining room windows, and secondary living room windows;
- Tertiary – bathroom, utility room, staircase and landing windows; and
- Blank walls with no windows.

12 Willow Way, and plot 12:

The proposed dwelling on plot 12 would have no side facing windows looking towards number 12 Willow Way apart from obscure glazed windows belonging to en-suites or bathrooms. The dwelling is angled so the rear elevation faces more towards the joint boundary. As this is a bungalow type 'C', there are no windows in the roof space, all windows being of ground floor height. The rear windows would face into the neighbour's rear garden, and only the angled en-suite windows of the side elevation would face towards the neighbouring property.

The neighbouring property is known as number 12 Willow Way. The side elevation facing the application site is hidden by a tall poor quality fence, but the fence stops to allow a rear conservatory to have views over the field. The conservatory therefore has windows facing towards the proposed dwelling.

The North Norfolk Design Guide does not mention conservatory windows. The applicants believe the conservatory is not a habitable room. Some authorities do, however, count it as a habitable room while others do not. Taking each in turn, distances between Tertiary windows (including bathrooms and en-suites) and living rooms would ideally be 12 metres while from Tertiary to Secondary windows (which includes bedrooms, kitchens, dining rooms and secondary windows to living rooms) should be 9 metres apart, and Tertiary to Tertiary is 3 metres. The applicants have indicated the distance between to be approximately 4 metres. The distance, should the conservatory not be counted as a habitable room, would be acceptable. However, the Conservatory is generally used as an additional living room, and as such, the distances are less than those recommended in the North Norfolk Design Guide. The two gardens are also so close as to remove any private external amenity space. There is therefore a need for a better boundary treatment to preserve privacy for the conservatory which should also be classed as private amenity space. There is the ability to increase the length of the fence, or to add to the height of the proposed hedge on the boundary, which can be maintained through a condition. The applicant points out that there are conifers and hedging of significant height around No. 12 Willow Way and which provides to the occupiers of the property. The additional hedgerow planting shown on the Landscape Masterplan would improve on this. The occupants of number 12 Willow Way are concerned about the impact on the privacy of the conservatory and rear garden, but also concerned about the effect of enclosure and overshadowing should there be a tall fence or hedge. As 12 Willow Way is to the east of Plot 12, there should be no overshadowing of the existing house and garden until late afternoon, which would not be considered unreasonable.

Plots 3 and 4:

The only dwelling proposed with first floor windows in the roof space is on plot 4. There is one side window overlooking the blank side wall of plot 3. North Norfolk Design Guide states that distances between a bedroom window and a blank elevation should be 8.5 metres. The distance is not that great, but it is considered that overlooking of the dwelling would not occur, and the window would have views of the front garden rather than the rear private amenity space due to the angle of the properties in relation to each other.

There are also windows which follow the roof slope to the rear elevation and dormer windows to the front elevation. The distances between the rear roof slope windows and properties to the rear should be a minimum of 15 metres and to the front elevation, 18 metres. The proposed distances of the upper floor windows to window distances as set out in the North Norfolk Design Guide are more than satisfied for the front and rear elevations.

Road Access between numbers 10 and 12 Willow Way: Concerns have been raised in particular regarding the access road into the new development and its close proximity to existing dwellings numbered 10 and 12 Willow Way. The access is an extension of an existing turning head. The cars associated with the new development would pass by the front of number 12, and the side of number 10. The dwellings would be no closer to the highway, but would be subjected to more traffic noise as a result. It is therefore recognised that there would be an impact on these two existing dwellings as a result of development, but the impact is not considered unacceptable. Number 22 Willow Way is a corner plot similarly distanced from the road and numbers 42 and 44 are located closer to the highway. Therefore, these properties are already subject to traffic noise as cars move within the estate. The impact on numbers 10 and 12 would not be any greater than on any other property within the estate, and would therefore not represent an unreasonable impact with regards to noise or pollution.

Plot 1:

The proposed development on Plot 1 would be closer to the proposed access road. The room closest to the road would be a bedroom with a small bedroom window facing, and ornamental hedge. However, modern construction can provide better noise reduction inside properties, so this should not be an issue. Vehicle movements also reduce in volume at night compared to the day, so the distance of the property proposed for plot 1 to the highway is considered acceptable for a small scheme of only 12 dwellings.

In all, the proposed development is compliant with the requirements of Core Strategy Policy EN 4 in respect of design and policy EN13 regarding amenity.

6. Historic Environment

Policy EN 8 seeks to preserve or enhance the character and appearance of designated assets, other important historic buildings, structures, monuments and landscapes, and their settings through high quality sensitive design. It also states that development which has an adverse impact on their special historic or architectural interest will not be permitted.

However, it should be noted that the strict 'no harm permissible' requirement in Policy EN 8 is not in strict conformity with the guidance contained in the National Planning Policy Framework (NPPF). As a result, in considering any proposal for the site the Local Planning

Authority will need to take into consideration Section 16, paragraph 196 of the NPPF. This requires that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, including its setting, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 192 of the National Planning Policy Framework 2019 states:

'In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to
- c) sustainable communities including their economic vitality; and
- d) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 goes on to give weight to an asset's conservation in accordance to its importance.

There are a number of heritage assets within close proximity to the site, including.

- Church of St Catherine (Grade 1) 186 metres south east
- F H Chambers memorial in grounds of the church (Grade II) 190 metres south east
- Church View (Grade II) 206 metres to the east
- Former Saddlers Shop with adjoining cottage (Grade II) 216 metres to the east
- Ludham War Memorial Cross (Grade II) 226 metres to the east
- 1-5 Yarmouth Road (Grade II) 281 metres to the east
- The Stores (Grade II) 303 metres to the east

This proposal is not considered to have an impact upon the Conservation Area, but it is considered that the proposal would have an impact upon the Church of St. Catherine. The scheme would impact existing views of the church tower from School Road, and may block views of it from certain angles. From the point that the site was allocated for development, it was accepted that there would be some impact on the views of the church tower when viewed from the outskirts of the village. Even if the viewpoints remained from every angle, there would still be a change in backdrop, with the proposed development to be seen in the foreground.

It is noted the lengths that have been taken to ensure impacts are kept to a minimum. Bungalows are less distinctive while taking up a larger footprint. They are therefore harder to achieve quality designs and interesting detailing compared to two storey dwellings. However, the use of bungalows has also been useful in keeping the impacts of development low with regard to the views of the church tower, which will be seen above roof tops rather than through the gaps between buildings.

It is considered that this would result in a modest amount of harm to the overall significance of this designated heritage asset which can be considered within the planning balance. However, the harm caused to the views of the church of St Catherine's, which would incorporate the context of the existing built form, must be considered against the public benefits when weighing up the planning balance. A conclusion is made regarding this in the Planning Balance section towards the end of this report

Archaeological Heritage

The Archaeological Heritage should also be taken into account. Policy EN8 within the Core Strategy states that where required, ‘development proposals affecting sites of known archaeological interest will include an assessment of their implications and ensure that provision is made for the preservation of important archaeological remains.

It has been identified, due to previous trial trenching evaluations on the site in 2013, that there could be Anglo-Saxon, medieval and post-medieval activity in the area. Due to the potential for buried archaeological remains on the site, a condition would need to be applied to the decision notice to ensure a programme of archaeological work is undertaken in accordance with the NPPF 2019 before any development can take place. Paragraph 189 of the NPPF states ‘where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.

NCC Environmental Services are satisfied that a condition requiring a programme of archaeological works to be undertaken prior to development in accordance with paragraphs 189 and 199 of the NPPF 2019. The proposed development would therefore comply with policy EN 8 of the North Norfolk Core Strategy subject to the suggested condition proposed.

7. Landscape

The settlement of Ludham is located within the ‘Settled Fen’ landscape type. As such, the landscape has fairly open topography which is also mostly flat. Land therefore would have a sense of openness which new development should be sympathetic to, in order to protect the special qualities of and local distinctiveness of the area as required by Core Strategy Policy EN2 and Site Allocation Policy LUD01.

The submitted Landscape and Visual Impact Appraisal recognises the hedgerows with hedgerow trees as important features within the landscape. It also points out that a combination of the local topography and existing hedgerows, small blocks of vegetation and existing built form restrict views into the site despite the surrounding characterisation of large open fields. Therefore, viewpoints of the village and the Grade I Listed Church are important and should be retained. The height and positioning of tree planting and the low level height of the proposed bungalows will help protect these views.

The landscape master plan has been careful to ensure development maintains a rural low level approach to the village, and creating a central green corridor with pockets of open space to break up the built form. Tree planting helps to soften the impact of development and to prevent any overlooking between properties, as will additional low level planting.

The Landscape Masterplan appears to be compliant with Core Strategy Policy EN 2 which seeks to protect and enhance the existing landscape and settlement character. The proposed landscaping is also compliant with Policy LUD01 as the landscaping has taken into account the retention of views towards the Grade I Listed Church within Ludham and seeks to ensure the scheme incorporates a high quality landscaping scheme, particularly along the western boundary of the site, as required by Policy LUD01.

8. Trees

A tree protection scheme has been included (drawing number OAS/1412-TS02) which shows an approximate line of protective fencing to be erected in accordance with BS5837. Overall, with the proposed planting plan consisting of the planting of a large number of trees and hedges, as well as marginal planting around the attenuation pond, it is considered there would be sufficient enhancement to the biodiversity value of the site which would accord with the requirements of Policy EN 9.

9. Ecology and Biodiversity

Policy EN 2 expects proposals to be informed by, and sympathetic to the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identifies in relevant settlement character studies. Proposals should therefore enhance, amongst other things, the biodiversity of an area and the pattern of distinctive landscape features such as ecological corridors.

Policy EN 9 seeks to protect the biodiversity of land, minimising the fragmentation of habitats while maximising opportunities to restore, enhance or connect natural habitats and to incorporate beneficial biodiversity conservation features.

The proposed development would result in the loss of approximately 1.5 ha of arable land and associated grass margins, which indicates the site is of low ecological value for wildlife. Low scale precautionary measures can be taken prior to development to discourage wildlife in the area therefore reducing harm during clearance works.

Trees and hedges are to be retained around the perimeter of the site to the north and east boundaries. Some trees have been identified as requiring protection during development, and shown on the submitted Tree Protection Plan. Additional enhancements have been suggested within the submitted Ecological Survey submitted with the application. to ensure a net biodiversity net gain is achieved on the site which includes 'hedgehog highways' through any close board fencing within and surrounding the site, shelves should be incorporated into the SUDS pond with native aquatic vegetation, hedgerows planted along the western and southern boundaries which should utilise native varieties, the use of native plants, trees and shrubs in greenspace areas, and the use of 5 bird and 5 bat boxes within the development. These measures can be secured by condition.

10. Habitats Regulation Assessment:

Policy LUD01 of the Site Allocations DPD (2011) identified that any proposed development should provide further mitigation due to the potential to adversely affect the Broads SAC, Broadland SPA and Ramsar site and North Denes SPA. This would involve a programme of monitoring to assess the impact of development on these sites in terms of visitor disturbance, and further assessment of water quality issues to ensure continued compliance with appropriate discharge levels. The Landscape Officer and Planning Policy agree that a scheme of mitigation is required to minimise impacts and to ensure that sewage treatment works have capacity for the proposed development and to ensure there would be no adverse impacts on the surrounding European Wildlife Sites. This is also stipulated as a requirement within Policy LUD01.

From 2011, there has been a collaboration between local authorities based within the Norfolk area which has led to a Norfolk-wide strategic approach to this issue. This would result in a fee which is non-negotiable, and paid as part of the legal obligations agreed for the scheme.

Recreation Impacts Study: Visitor Surveys at European Protected sites (2016) by Footprint Ecology, highlighted that there will be a 14% increase of visitors to the Broads and a 9% increase of visitors to the North Norfolk coast during the current plan period as a result of the planned residential growth across the County. Historically, a fee of £50 has been sought for each residential dwelling within the District has been secured through planning obligations. This fee goes towards monitoring and mitigating visitor impact on the North Norfolk Coast Special Area of Conservation (SAC) and Special Protection Area (SPA) and other Natura 2000 sites.

The Landscape Officer has highlighted the introduction of the Norfolk Green Infrastructure and Recreational Avoidance Mitigation Strategy (GI/RAMS) which is currently being finalised, and which introduces a developer charge using a zone of influence based approach. This charge amounts to £205.02 per dwelling, and replaces the former charge of £50 per dwelling. While the final report has yet to be adopted by the Norfolk Strategic Framework, the evidence base presented in the draft report has been accepted in principle and will be in place before development commences, and before the payment is due to be made. Natural England also supports this need for a financial contribution to the council's Habitats Regulations monitoring work.

In addition, under the Conservation of Habitats and Species Regulations 2017 (as amended) stated the 'competent authority', which in this case is North Norfolk District Council, must undertake a formal assessment of the implications of any new plan or project or designated European sites (known as Natura 2000 sites). The North Norfolk District Council has therefore prepared a further HRA of the site as the competent authority under the EU 'Habitats' Directive 92/43/EEC.

Within the document, it was agreed that sufficient evidence had been provided by both Anglian Water and the applicant to confirm that Ludham WRC has sufficient capacity to treat the foul water flows from the development, within permitted targets. The resultant discharges into the Broads network would therefore not be expected to adversely impact the integrity of the Habitats Sites.

The report also identified that the site on its own would not result in a significant effect on Natura 2000/Ramsar sites. However, the accumulative impacts of the proposed growth in Norfolk, which could amount to 84,000 new dwellings, cannot rule out a likely significant effect. In which case, the GI/RAMS assessed financial contribution from developers to implement the scheme of monitoring and any necessary mitigation identified as required to protect the conservation features of Natura 2000 sites should be payable.

Further to this, the application also includes a footpath from the site to School Road to improve the Public Rights of Way network, which will encourage people to utilise local footways and help reduce the impact upon the European Sites within the District.

The application refused in 2017 failed to demonstrate that the development will be unlikely to have an adverse direct or cumulative impact on designated international nature conservation sites and sites of special scientific interest (SSSIs), or prevention, or mitigation, of potential impacts from increased visitor pressure at each of the designated sites.

This application, has provided sufficient evidence to show that the requested further mitigation requested would be provided. Therefore, so long as the S106 agreement includes the necessary financial contribution identified, and the application is conditioned to ensure measures outlined in the Ecology Report are carried out, then the application would comply with policies EN 2 and EN 9 of the North Norfolk Core Strategy should planning permission be granted.

11. Open Space:

Core Strategy Policy CT2 requires developer contributions for schemes of 10 dwellings or more where there is insufficient capacity in infrastructure, services, community facilities or open space. The Core Strategy's Open Space Standards therefore require a development of 12 dwellings to provide the following levels of open space:

- Parks = 381 sqm
- Play = 112 sqm
- Greenspace = 293 sqm
- Allotments = 188 sqm
- Total = 974 sqm

The development provides three areas of Amenity Green Space:

- Northern open space area with footpath running through – 703m²
- Central area – 1080m² which also incorporates a SUDS pond which measures 451m². The SUDS pond cannot be used as part of the calculation for open space requirements which reduces the amount on site provision.
- Western periphery wildlife corridor – 375m²

The quantum of open space proposed to be provided on the central and northern areas of the site meet the definition of Amenity Green Space as set out in the 2019 Open Space Study. Further, the study identifies a a deficit of Amenity Green Space of 1.07ha in the parish.

With regards to Parks and Recreation and Play Space, the development is within 600 metres of Catfield Road recreation field and children's play area. However, off site contributions would still be requested and would be used to improve the existing park facilities and play area.

As a result of this deficiency the following off-site contributions are required by planning obligation:

- Play: £5,600 (To be spent on Play Equipment in the Parish to be agreed with the District Council)
- Recreational Parks: £13,241 (To be spent to improve recreational areas in the Parish to be agreed with the District Council)
- Allotments: £6,518 for off-site allotments provision.

The applicant has agreed these proposals and this will form part of Section 106 Legal Agreement. Subject to this agreement the proposal is considered to be in accordance with

Policy CT 2 of the adopted North Norfolk Core Strategy and Policy LUD01 of the North Norfolk Site Allocations Development Plan Document.

12. Highways and Parking:

Core Strategy Policy CT5 states that development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location and that development proposals will be considered against the relevant criteria of that policy which states that:

- the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability;
- the proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;
- the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and
- if the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan.

However, paragraph 32 of the NPPF, also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Policy CT6 seeks to ensure adequate parking is provided, including for cyclists.

Sustainable Transport

The principle of 12 dwellings on this site has already been established as part of the 'Site Allocation' i.e. the site is in a relatively sustainable location and in a rural context has reasonable access to services and facilities.

Highway Safety

Some objections and letters of concern have been received regarding the narrowness of Willows Way and its ability to cope with additional traffic generated by the 12 dwellings proposed, possibly causing obstruction and bottlenecks through the village.

It is accepted that there will be more traffic as a result of development, and that this may slow down traffic moving through Willow Way and School Road. However, this would not represent unsafe access. Although additional traffic movements will be generated by the development, it is only a small development of 12 dwellings, and all occupants will not be leaving or coming home at the same time. There would be some filtering of traffic as occupants would have differing schedules and travel needs. Also, not every journey would be by car. The centre of the village is only a short walk away, and many people who are conscious of climate change tend to cycle more often where possible.

Highways have been involved with the proposal, and asked for a number of alterations and amendments:

Highways comments 22/08/2019	Results
Road bends should have a 20m centreline radius so as not to be too tight;	These were added.
Too much adoptable carriageway is proposed. Would be better to have a turning head so the rest of the site is served by two private driveways.	Blue dotted line introduced in front of plot 8, with black lines either side. May be indicative that road no longer meets.
Minimum width of 4.8m.	Maximum width 6.5m, minimum 4.8m.
Change in footway width too abrupt.	Tapered footpaths introduced.
A footway link to School Road requires the extension of the existing footway, and layout plan annotated to confirm this provision.	Plan annotated to read 'new footway on School Road to link with the existing'.
Highways comments 22/11/2019	
A footway should be provided around all sides of the proposed turning head.	Additional footways introduced as suggested.
Turning head should be of adequate size for larger vehicles to manoeuvre. Enlarge slightly.	Enlarged as suggested.
Clarification required re a future road to the southern boundary.	The turning head is finished with a path to show no future road planned at this stage.
Clarification of a continual loop or two separate driveways to the end of the adopted estate road.	The path and turning head would suggest two separate driveways rather than a continual loop.

As a result of the comments made by Highways, there have been a number of improvements made to the development scheme which includes the tapering of the footpaths either side of the access road, and a greater width of road for vehicles to access the new development. The angle of the access road within the site has also been altered to reduce the bend in the road, and to enable easier access for road users. The continual loop in the circular road has been closed off so that the road can only be used for appropriate access and would encourage the reduction in speeds of cars using it. Highways now consider the proposals to be acceptable subject to some conditions relating to detailing of improvement works, footways, street lighting, and drainage, the provision of on-site parking for construction workers, access for deliveries and wheel washing facilities during the construction period as well as the change in road traffic speed to 20mph which requires a Traffic Regulation Order to be put in place.

The footpath required further clarification that it would link into the existing footpath on School Road. This was clarified within amendments and annotated onto the site plan. The footpath would provide a safer pedestrian link to the village. The only direct route to the centre of the village is either Norwich Road or School Road. Some dwellings to the south of the application site would still find it nearer to walk along the existing Willow Way path, but those located to the north would find the proposed pathway more convenient. It does create an alternative access for residents of Willow Way to access the countryside and popular walking routes.

Highways are satisfied with the standard of access into the site, and the proposal appears to meet the requirements of Core Strategy Policy CT5.

Parking

In respect of the provision of car parking within the site, the development comprises the following:

- 1 x 1 bedroom units
- 8 x 2 and 3 bedroom units
- 3 x 4 bedroom units

According to Core Strategy Policy CT6, the development should deliver an average of 1.5 spaces per 1 bedroom unit, 2 spaces per 2/3 bedroom unit and a minimum of 3 spaces per 4 bedroom unit, amounting to a total on-site requirement of 26/27 car park spaces.

When taking into account the amount of hardstanding which would allow tandem parking, and available garage space, each plot does appear to have provided the minimum parking standard as outlined within Appendix C of the North Norfolk Core strategy. The development is therefore considered to be compliant with Policy CT6 of the North Norfolk Core Strategy.

13. Flood Risk and Drainage (Policy EN 10)

The 2017 application was unable to prove that there would be capacity for the proposed development within the intended receiving sewage treatment works. It was therefore also unable to confirm that there would be no adverse effect on water quality within the European protected watercourses or SSSI sites. This application needs to be able to demonstrate these measures are now in place.

Policy EN 10 ensures the sequential test is applied to ensure most new development is located within Flood Risk Zone 1, and development in Flood Zones 2 and 3 will be restricted. However, a Strategic Flood Risk Assessment is still required for sites within Flood Zone 1 of 1 hectare or greater, and sites which are surrounded by Flood Zones 2 or 3. This issue has been considered under Site Levels and amenity. Subject of raised floor levels, the residential development of the site is considered to be acceptable. The site does have a small section within Flood Zone 2, but this is part of the garden area of Plot 12, and all residential dwellings are to be built within Flood Zone 1 only.

Policy EN10 also expects new development to have appropriate surface water drainage arrangements for dealing with surface water run-off. The use of Sustainable Urban Drainage systems is preferred.

SUDs:

LUD01 points out that a small part of the site lies within Flood Risk Zone 2, and should therefore remain undeveloped. The policy stipulates that the site would require a Flood Risk Assessment with appropriate mitigation measures where required. Part of the rear garden of plot 12 would be the only area within Flood Zone 2. The FRA states that flooding on the site would be minimised by the use of:

- Permeable surfaces where possible,
- a suitable Foul Water Drainage Strategy to be incorporated to minimise flood risk; and to
- Introduce a suitable Maintenance Management Plan for all SUDS and piped drainage systems for the lifetime of the development.
- Finished floor levels of the dwellings, which are all located within Flood Zone 1, would be raised and safe refuge will be available within the site.

The use of a sustainable drainage system (in the form of an attenuating pond) has been incorporated into the scheme. Geology findings confirm that infiltration SuDS drainage techniques are suitable for the site, and a SuDS Attenuation Basin is to be located within the open space area to the middle of the site. This will drain the main highways roads and footways, excess water flowing from driveways, and other sources of surface water which has not been able to soak into the ground. It is expected that slow infiltration rates from the pond into the surrounding ground area will prevent surface water flooding due to a rapid inundation of rain.

The application is considered to be in accordance with Policy EN10 which requires development to be in Flood Zone 1. The raising of the floor levels to a minimum of 3.75 metres above AOD will also ensure against any future flood risk and this will be secured by way of condition.

Existing foul drainage:

Ludham Parish Council, residents and Landscape Officer have expressed concerns regarding the inadequacy of the present sewerage system in Willow Walk. Additional development would exacerbate existing inadequacies with detrimental impacts on public health, and impact on residents and the parish council are particularly concerned re drainage and sewerage. Anglian Water accept that the previous application was partially refused on the basis of a lack of capacity at the receiving water recycling centre.

This application has been accompanied by an Anglian Water Pre-Assessment Report which demonstrates that Ludham's Waste Recycling Capacity is being increased. The Dry Weather Flow capacity will increase from 800 to 1062 cubic metres per day. Anglian Water's Water Recycling Long Term Plan highlighted the need to increase the Environmental Permit which was done in 2019 and resulted in Ludham WRC being identified as an AMP7 investment scheme to provide the additional capacity between 2020 to 2025. Investments have therefore taken into account all planned growth until 2036 in the Ludham catchment area. It is therefore confirmed that there is sufficient flow capacity for this development as a result of changes in investment since the previous application was refused. It is the responsibility of Anglian Water rather than the developer to ensure the sewerage network and the water recycling centre can accommodate the expected sewerage output. It is expected that Anglian Water will take into account build start dates and phasing so that the system is updated prior to development and the occupation of the dwellings.

Taking all this into account, the application complies with Policy LUD01 which requires the application to demonstrate that there is adequate capacity in sewage treatment works for the development, and therefore there will be no adverse effect from water quality impacts on European Wildlife Sites.

14. Sustainable Construction and Energy Efficiency:

Policy EN6 sets out a requirement for new development to provide at least 10% of the development's predicted total energy usage through renewable energy under policy EN 6. The previous application had not proposed or considered any means of on-site renewable energy generation.

This application intends to meet the thermal and energy efficiency requirements as set within Building Regulations. The site intends to provide renewable energy generation through the use of solar PV roof arrays, with seven of the 12 plots providing southerly-aspect pitched roof areas. The Energy Consumption document submitted with the application shows that the solar panels would provide 11% of the total predicted energy demand for each dwelling. The proposal therefore complies with Policy EN 6 of the adopted North Norfolk Core Strategy.

15. Other Considerations:

Refuse collection:

The refuse and waste collection report submitted within the application suggests the road within the site would be constructed to an adoptable standard, and would provide clear and safe access for waste collection vehicles. It is indicated on dwg. No. 18-1483-02G which replaces the drawing attached to the refuse collection report. It shows that collection points would be adjacent the road, and stored to the side of the buildings. With the landscaping proposed for the site, the storage of bins would not be noticeable.

16. Planning Obligations:

The 2017 application had failed to provide any public open space, play areas or allotments or to make a positive contribution to health and wellbeing of communities as expected by the National Planning Policy Framework.

This application seeks to provide the following in the form of Section 106 Planning Obligations.

Affordable housing off-site contributions:

A viability assessment was undertaken, the results of which has provided the following planning obligations:

An Affordable Housing commuted sum of £195,000 in lieu of on-site provision of three affordable dwellings. It has been agreed that fifty percent of this sum would be payable before more than 35% of the dwellings are completed with the remaining fifty percent payable before more than 60% of the dwellings are occupied.

Payment of an overage 'top up' will also apply as follows:

- a. On when the land sale price is secured above £480,000
- b. 50% of proceeds above base sum of £480,000

- c. Maximum Sum of £585,000 - the maximum sum of £580,000 includes the base commuted sum of £195,000. The maximum sum would therefore be £580,000 - £195,000 = £390,000.
- d. Top up payment secured by restriction on title and payable on transfer of the land.
- e. Good faith/anti avoidance clause to ensure land transferred at fair value
- f. All sums indexed by RICS BCIS All tender.

Open Space:

- Play: £5,600 (To be spent on Play Equipment in the Parish to be agreed with the District Council)
- Recreational Parks: £13,241 (To be spent to improve recreational areas in the Parish to be agreed with the District Council)
- Allotments: £6,518 for off-site allotments provision.

SPA / SAC visitor impact mitigation contributions:

- £205.02 per dwelling which would amount to £2,450.

Subject to the management of the proposed open space and allotments being secured by condition and policy-related contributions to be provided in regard to play and park provision via a Section 106 agreement, the proposal is considered to be in general accordance with the requirements of Core Strategy CT 2.

17. Planning Balance:

The principle of development has been established through Policy LUD01 of the Site Allocations Development Plan Document. This proposal for 12 residential properties does not accord with the affordable housing element of this policy and is therefore contrary to Policy LUD01. Whilst this development proposal falls short of the strict policy requirements set out in Policy LUD01 it is important to consider the material benefits regarding this proposal:

- Off-site affordable housing provision (Equivalent of 3 Units, 25%)
- A surplus provision of Amenity Green Space provided on site, which meets a local identified need as set out within the 2019 Open Space Study;
- A programme of monitoring be initiated to assess impacts of development from visitor disturbance on the Broads SAC / Broadland SPA and Ramsar site, and Great Yarmouth North Denes which would require Developer Contributions as advised by Natural England;
- Important views from School Road to the Grade I Listed Church retained;
- Delivery of a site that has been allocated since 2011, which will help support the existing services and facilities within Ludham.

Whilst 50% affordable housing is not proposed through this application, the applicant has demonstrated that this is not viable in this case, but that 25% affordable by way of an off-site contribution is viable. The Council's Viability Consultant has corroborated this figure of 25%, to which Officer's agree. Therefore, whilst this proposal does not strictly accord with Policy LUD01, the proposal is considered to be in accordance with the broad aims of the policy.

In regard to the Historic Environment, the views of the Grade I Listed Church would change due to the nature of development and would result in a modest amount of harm to the overall significance of the designated asset. This low level of harm is to be measured against the public benefits of the scheme, which include:

- a high quality landscaping scheme to settle the proposed development into its surroundings,
- an improvement to the Public Right of Way network with a footpath leading to School Road which will provide a greater connectivity,
- on site provision of amenity green space in excess of the open space requirements that would meet a demonstrated need in the area,
- off-site contributions which would improve the provision of open space in Ludham, and
- off-site contributions which would provide a minimum of 3 affordable dwellings, and which incorporates an overage fee dependent on the sale price of land which could potentially top up this number of affordable dwellings.

In regard to the Historic Environment, it has been demonstrated that the modest harm to the designated heritage asset would be far outweighed by the aforementioned public benefits of the scheme. The proposal is therefore considered to be in accordance with the NPPF in this regard.

On balance it is the considered opinion of Officers that whilst this proposal represents a departure from Development Plan policies, the material considerations discussed within this report, which include the public benefits cited above, are sufficient to outweigh the departure in this case. The recommendation is therefore one of approval, subject to completion of a Section 106 agreement to secure the planning obligation and public benefits described above and subject to compliance with the conditions listed below.

RECOMMENDATION

Part 1:

Delegate authority to the Assistant Director of Planning to APPROVE subject to:

1) Satisfactory completion of a S.106 Planning Obligation to cover the following:

- Provision of a commuted sum of £195,000 in lieu of on-site provision of three affordable dwellings, plus an overage fee - the amount dependent on the land sale price.
- Public Open Space contributions of £25,359 in total comprising: Allotments £6,518; Play enhancement £5,600; and Parks £13,241;
- SPA / SAC visitor impact mitigation contributions - £205.02 per dwelling (total £2450);

2) The imposition of the appropriate conditions to include:

1. Time Limit – three years beginning with the date on which this permission is granted
2. The development shall be undertaken in strict accordance with the plans
3. Materials in accordance with details submitted
4. Construction Management Plan (pre-commencement)
5. Traffic Regulation Order (pre-commencement)

6. Renewable Energy to provide at least 20% from renewable sources (pre-commencement)
7. Detailed plans of roads and footways to be provided.(pre-commencement)
8. Off-site highway improvement works (including Public Rights of Way works shall be completed prior to first occupation (pre-commencement)
9. Traffic Regulation Order for 20mph zone (pre-commencement)
10. Archaeological Scheme of Investigation (pre-commencement)
11. Drainage to be provided before occupation (pre-commencement)
12. Parking and turning areas prior to occupation and thereafter retained.(pre-occupation)
13. Road and footways shall be constructed to binder course surfacing level from the dwelling to the adjoining County road (pre-occupation)
14. All roads, footways, street lighting, etc to be in accordance with the approved specification (prior to occupation of 11th Dwelling)
15. Bathroom windows opaque glazed to level 5.
16. PD rights removed to protect views of Grade I Listed church
17. Ecology
18. External Lighting prior to installation
19. Tree protection measures in accordance with details submitted.
20. Hedges – proposed hedge planting requirements.
21. Further landscaping details required including a landscaping management plan
22. No retained tree shall be lopped, topped, etc.
23. Any new tree or shrub dies or is damaged shall be replaced

Any other conditions that may be considered necessary at the discretion of the Assistant Director of Planning.

Part 2:

That the application be refused if a suitable section 106 agreement is not completed within 3 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.

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Agenda Item 8

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

Minor Development

- Target Date: 13 November 2020

Case Officer: Miss J Medler

Full Planning Permission

CONSTRAINTS

SFRA - Risk of Flooding from Surface Water + CC

Landscape Character Area

LDF Tourism Asset Zone

SFRA - Areas Susceptible to Groundwater Flooding

EA Risk of Flooding from Surface Water 1 in 1000

LDF - Residential Area

Section 106 Planning Obligations

Conservation Area

LDF - Settlement Boundary

Mineral Safeguard Area

EA Risk of Flooding from Surface Water 1 in 100

National Air Traffic Service - Application for Wind Turbines

Enforcement Enquiry

RELEVANT PLANNING HISTORY

PLA/19970888 PF

Burlington Hotel, The Esplanade, Sheringham

Change of use from hotel rooms on second and third floors to eight self-contained residential flats

Approved 02/09/1997

PF/14/0887 PF

Burlington Hotel, The Esplanade, Sheringham, NR26 8LG

Partial demolition of hotel and erection of six residential apartments and single-storey rear extension to hotel

Approved 13/12/2016

DE21/17/0098 ENQ

Burlington Hotel, The Esplanade, Sheringham, NR26 8LG

Conversion of first floor from 9no. hotel use bedrooms into 3no. self-contained holiday let apartments (all alterations internal)

Advice Given (for pre-apps) 27/06/2017

IS2/17/1781 IPA

Burlington Hotel, The Esplanade, Sheringham, NR26 8LG

Meeting regarding The Burlington Hotel

Advice Given (for pre-apps) 09/11/2017

CDA/14/0887 CD

Burlington Hotel, The Esplanade, Sheringham, NR26 8LG

Discharge of Conditions 4 (Materials), 6 (External Colour Finish) for Planning Permission PF 14 0887 Condition Discharge Reply 13/01/2020

CDB/14/0887 CD

Former Burlington Hotel, The Esplanade, Sheringham

Discharge of Condition 3 (Re-use Red Brick), 4 (Materials), 5 (Brick Bonding/Mortar), 6 (External Finishes) 7 (Details of Balustrading & Vertical Supports) for Planning Permission PF 14 0887 Condition Discharge Reply 05/08/2020

PF/18/0076 PF

Burlington Hotel, The Esplanade, Sheringham, NR26 8LG

Variation of condition 2 of planning permission ref: PF/97/0888 to alter the approved internal layout of the second and third floors to reduce number of apartments from 8 as approved, to 6 Approved 06/04/2018

PF/18/2325 PF

Burlington Hotel, The Esplanade, Sheringham, NR26 8LG

Conversion of lower ground floor, upper ground floor and first floors of hotel to 6 no. two-bedroom flats and 3no. three-bedroom flats. Creation of off-street parking for 3 vehicles, refuse storage enclosure and railings

Approved 11/06/2019

THE APPLICATION

The application is seeking permission to vary Condition 2 of planning permission PF/14/0887 (Partial demolition of hotel and erection of six residential apartments and single-storey rear extension to hotel) to allow for design changes. The application is part retrospective.

The list below sets out the matters which are subject to this variation of condition application:

- Position of extension
- Steels and supports
- Stone dressings on Burlington
- Eaves and cornice architectural detailing on Burlington
- Balcony design
- Eaves height (Attic level)
- Roof pitch
- Lean-to canopy details
- Vertical supports
- Brick plinth
- Elevation detail
- Eaves and verge detailing
- Chimney stacks on Burlington
- Connection between extension and existing Burlington
- Size of dormer

- Fenestration

The proposal is a ‘modern’ style extension attached to the existing western end gable of the former Burlington Hotel building. Whilst the Burlington is not listed it is an iconic building in the town located in a prominent position along The Esplanade, and within the Sheringham Conservation Area.

Amended plans were received from the applicant on 16 December 2020 followed by further amendments on 15 January 2021, and 12 February 2021 which have endeavoured to address the concerns of officers / consultees.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Liz Withington due to the objections received, the complexity of the amendments and historical significance of the building in the town.

SHERINGHAM TOWN COUNCIL

Object on the following grounds:

- i) the proposed design changes detract from the originally approved designs;
- ii) the proposed design changes are of such significance that they cause harm to the designated asset, namely Sheringham Conservation Area, as well as the host building which is a local landmark; and
- iii) the harm caused to the designated asset is NOT outweighed by any public benefits accruing from the proposed changes.

The proposed changes are largely of a technical nature - some engineering technical and some planning technical. Whilst STC defers to the LPA’s technical experts for the engineering technical analysis, STC IS qualified to comment regarding the planning technical changes and in this connection STC gives considerable weight to the views expressed in the report from Conservation & Design. In particular, STC is disappointed that the integrity of the originally approved design has been compromised by the extension structure proposed for the North Elevation having been sited forward. The result being that the proposed new build, as the Conservation officers report of 8/1/21 and updated 2/2/21 states ‘trumps the original hotel’.

REPRESENTATIONS

One objection has been received raising the following points:

1. Errors in current construction
2. Heavy structural columns
3. Elevational changes completely destroy the sensitivity of the previous application which empathised with the character of the existing building
4. Balcony design heavy and vulgar not as approved
5. Change in materials from that previously approved
6. Loss of step back
7. Loss of elevational break
8. Watering down of stair and lift enclosure
9. Loss of detailing of the lean – to roof

10. Loss of feathered eaves
11. Watering down and destruction of an extremely well-considered approved design
12. Proposal would have serious damaging consequence to the original 'iconic building'
13. Important to maintain and uphold the concepts purposefully introduced into the approve design composition blending old with new

Three letters of support have been received, including one of which has three signatures, and one comment has also been received.

CONSULTATIONS

Conservation and Design Officer – Object. Full comments contained in Appendix...1...

Historic England - No comment. Deferring to Local Authority Conservation and Design.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.
Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, refusal of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk
SS 3 - Housing
EN 4 - Design
EN 8 - Protecting and enhancing the historic environment

National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development
Section 5 – Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 16 - Conserving and enhancing the historic environment

MAIN ISSUES FOR CONSIDERATION

1. Background
2. Principle
3. Design
4. Heritage impact
5. Other considerations
6. Conclusion

APPRAISAL

1. Background

There is extensive planning history in relation to the application site, which is considered to be material to the determination of this application. The applications are summarised below.

- PF/14/0887 - Partial demolition of hotel and erection of six residential apartments and single-storey rear extension to hotel - Burlington Hotel, The Esplanade, Sheringham, NR26 8LG - Approved 13/12/2016

Officers along with the previous applicant and their agent had been through a lengthy period of negotiation and discussion. Culminating in the application being referred to the Development Committee with a recommendation of refusal. The then Development Committee approved the application along with a Section 106 Agreement. A copy of the Committee Reports and minutes are attached in appendix 2.

- PF/18/0076 - Variation of condition 2 of planning permission ref: PF/97/0888 to alter the approved internal layout of the second and third floors to reduce number of apartments from 8 as approved, to 6 - Burlington Hotel, The Esplanade, Sheringham, NR26 8LG

The previous applicant and their agent obtained planning permission for the above variation of condition. Following evidence submitted with the application and having taken legal advice Officers established that PF/97/0888 for Change of Use From Hotel Rooms on Second and Third Floors to Eight Self-contained Residential Flats had been implemented and was therefore extant. The variation of condition application was subsequently approved.

- PF/18/2325 Conversion of lower ground floor, upper ground floor and first floors of hotel to 6 no. two-bedroom flats and 3no. three-bedroom flats. Creation of off-street parking for 3 vehicles, refuse storage enclosure and railings - Burlington Hotel, The Esplanade, Sheringham, NR26 8LG -Approved 11/06/2019

This application was submitted by the current applicant. Given the approval of PF/14/0887 and PF/18/0076 there were no sustainable grounds to refuse this application. The application was therefore approved meaning that the entire existing Burlington building could now be converted into flats.

- CDA/14/0887 - Discharge of Conditions 4 (Materials), 6 (External Colour Finish) for Planning Permission PF 14 0887 Burlington Hotel, The Esplanade, Sheringham, NR26 8LG - Condition Discharge Reply 13/01/2020

The current applicant submitted the above condition discharge application, which Officers were not in a position to agree at the time. It was considered that insufficient information had been submitted in which to be able to fully assess the acceptability of the conditions that the applicant was seeking to discharge. It was therefore refused and the applicant was informed about what information was required, and that a further condition discharge application would be required.

At this time the Combined Enforcement Team were investigating a complaint that had been submitted on the grounds that the development was not being built in accordance with the approved plans from PF/14/0887.

- CDB/14/0887 - Discharge of Condition 3 (Re-use Red Brick), 4 (Materials), 5 (Brick Bonding/Mortar), 6 (External Finishes) 7 (Details of Balustrading & Vertical Supports) for Planning Permission PF 14 0887 - Former Burlington Hotel, The Esplanade, Sheringham - Condition Discharge Reply 05/08/2020

Through negotiation and discussion between Officers, the current applicant and their agent the above condition discharge application was approved. However, in order to be able to assess the acceptability of the above materials and detailing elevational drawings were required. During this process it was confirmed that the plans submitted by the applicant were not in accordance with the approved plans from PF/14/0887. It was confirmed to the applicant that the condition discharge decision approves details of balustrading, vertical supports, external materials and finishes only and does not in any way grant planning permission for any changes or deviations to the design of the development as approved under PF/14/0887. The applicant was advised that if not intending to build the development in accordance with the approved plans under PF/14/0887, and wishes to build the development in accordance with the plans submitted as part of the condition discharge application, or any other plans, then a variation of condition application will first be required to be submitted.

After corresponding with the applicant on this matter they confirmed that they would be submitting a Variation of Condition application to regularise the work that had been carried out and to seek permission to build in accordance with the plans they had prepared.

As a result, the current application has been submitted for consideration and regularisation of works on site (PF/20/1596).

2. Principle (Policies SS 1 and SS 3)

The site is located within the Residential Policy Area (Policy SS3) of Sheringham, where new residential development is permitted providing it accords with other relevant Core Strategy policies. Planning application PF/14/0887 has already established the principle of the development as a whole, and that is not for consideration again under this application. This variation application is purely to consider the design changes now proposed, along with any impacts they may have. The principle of the development is therefore acceptable and compliant with policies SS1 and SS3 of the Core Strategy.

3. Design (Policy EN 4)

One of the two main issues for consideration under this proposal is design. The applicant is seeking to amend the design as originally approved.

In the Planning Statement submitted with the application the applicant has confirmed that the design changes have been made as they consider the approved plans (under PF/14/0887), show a complex, intricate and confusing frontage which they consider detracts from the former Burlington Hotel building as well as the character and appearance of the Sheringham Conservation Area. The applicant also considers that given the design complexities that the development '*would be physically unable to support itself structurally and unviable to be*

constructed.' They also point out that the floor to floor heights of the approved scheme cannot be achieved, which in turn has resulted in changes to the elevations as submitted under this variation of condition application. The applicant has attempted to minimise this through the structure of the proposed scheme, and to allow for what they consider to be '*the structural limitations of the originally approved scheme to be addressed and produces a scheme which is viable both structurally and financially*'. The applicants acknowledge that their proposal is '*slightly more conservative*' in design, but they consider it to be '*considerate to the streetscene in terms of elevations, materials and architectural features, being thoughtful of the site's prominent location.*'

Officers acknowledge that there is an objection to this application, which strongly disputes the case made by the current applicants for the proposed design changes. Whilst this has been taken into consideration in the assessment of this application some of the points raised are in relation to the detailed structural elements of the proposal. How the development is constructed is a matter for the developer and Building Control to address. As Planning Officers we are ultimately assessing the acceptability or not of the development in terms of its external appearance and surroundings. In this case, the originally approved application under PF/14/0887 is a material consideration in terms of design and forms part of that assessment process.

Given the comprehensive and technical nature of the consultation responses from the Conservation and Design Officer, these are contained in full in appendix 1 to this application. The comments dated 9 November 2020, sought clarification on a number of points, and a response to the concerns raised. This is followed by the further consultation responses dated 8 January 2021, 2 February 2021 and 17 February 2021 in relation to the amended plans, where the applicant has attempted to address the points raised by the Conservation and Design Officer. Those responses should be read in conjunction with this report and amended plans, to explain the changes proposed and whether they are acceptable or not. In addition I have included the applicant's responses to those concerns as appendix 3.

The key points on the changes made to each elevation are outlined below and correspond with the relevant bullet points and comments in the Conservation and Design consultation responses dated 8 January 2021, and additional comments dated 17 February 2021:

North Elevation (front facing The Esplanade)

- Extension being pulled forward from the frontage of the Burlington in its entirety in the form of the steel framework, which as proposed would run across entire frontage
- Square steel corner post retained and covered with a circular profile aluminium cover, in the same colour as the adjoining windows
- Removal of projecting wall
- Existing stone dressings on the Burlington retained
- Reinstatement of the removed eaves and cornice architectural detailing on the existing north west corner of the Burlington, and removal of diagonal bracing
- Balcony alterations - loss of tapering edge, appearing to be full width again.
- Short horizontal steels from edge of balcony to steel corner post previously removed are shown to be retained again

- Depth of deck (floor to balconies) has increased, and in conjunction with the steel support posts results in a heavier appearance
- No amendments to attic storey floor levels where the eaves of the proposed extension have been raised, altering roof pitch
- Lean – to canopy plans provided
- Reinstatement of approved lattice supports
- Alterations to brick plinth

West Elevation (side)

- Cladding projection regained differentiating between the point where the two different materials meet
- Expressed plinth removed, now finishing flush with elevation
- No amendments to roof pitch and gable
- Confirmation eave and verge detailing would have minimum 300mm overhang

South Elevation (rear)

- Reinstatement of approved lattice supports
- Reinstatement of feathered eaves line as originally approved, materials at point of join between existing and proposed faced with brick slips
- Confirmation of 100mm set back of extension from existing rear elevation of Burlington
- Reduction in depth of dormer
- Small square windows re-ordered

Materials:

In relation to materials in general, as originally approved, these were to be a polychromatic mix of modular terracotta panels. As now proposed and agreed under condition discharge application reference CDB/14/0887 they have been replaced by brick slips and rain screen panels. Either as originally approved or as currently approved there would inevitably be an overtly contrasting in the materials from that of the existing Burlington building. This change in materials as been carefully assessed and negotiation and discussion have taken place with the applicant on this matter along with the provision of samples set out against the existing Burlington building. As a result Officers are of the opinion that this change in materials from the approved under PF/14/0887 would not be materially harmful.

In terms of a conclusion on matters of design there have been some welcome changes which have addressed Officer concerns, or have no significant impact on the overall design of the scheme. Unfortunately, these positives are outweighed by the cumulative design details of this proposal that remain unacceptable and which are of greater significance to the appearance of the proposed extension and the impacts on the existing Burlington building.

Officers clearly set out the areas of concern, and whilst the applicant has attempted to address those concerns the amended plans do not go far enough in order for Officers to be able to support the design amendments made.

Paragraph 130 of the NPPF states that:

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'

In this case it is not the change in materials from that approved under PF/14/0887 that is considered to materially diminish the design, as assessed above. It is the proposed amendments themselves, some of which are significant to the appearance of the extension and its relationship to the existing Burlington building. These changes are considered to materially diminish the design from that originally approved contrary to paragraph 130 of the NPPF.

The proposal is therefore considered to fail to comply with Policy EN4 of the adopted North Norfolk Core Strategy and paragraph 130 of the NPPF.

4. Heritage Impact (Policy EN8)

The site is located within the Sheringham Conservation Area, where the Burlington itself is an important and iconic building within the setting of the heritage asset and in the town. Its prominence within the Conservation Area results in views not only localised to the surrounding streets, but also in the wider landscape setting from long range public viewpoints outside of the town. This visibility emphasises the importance of the building within the Conservation Area, and its significance on the town's built environment.

Paragraph 193 of the NPPF states:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

As under previous applications the difficulty with this site has always been how to best achieve a proposal in design terms which is appropriate for the significance of the building and of the designated heritage asset (Conservation Area). In this case, and in accordance with paragraph 196 of the NPPF, it is considered that as a result of the unacceptable design changes the proposal would result in a significant level of harm to the heritage asset, on the 'less than substantial' spectrum. It should be noted that 'less than substantial' harm, does not lessen the impacts of the harm or reduce the importance. There is a spectrum of harm and this proposal is considered to fall at the higher end of the spectrum.

The harm that would be caused has to be weighed against the public benefits of the proposal including, where appropriate, securing the building's optimum viable use. In terms of public benefits the proposal would increase housing supply, and the occupants of the proposed dwellings would make some contribution to the local economy. The proposal would also support employment in the construction industry for a limited period during the construction

phase. The re use and refurbishment of The Burlington Hotel should not be underestimated as a local heritage asset.

Set against those public benefits, is the significance of the harm that would be caused as a result of the proposed changes, detailed above. Having carefully considered those factors jointly both positive and negative then it is considered that the significance of the harm caused to the heritage asset would outweigh those public benefits identified above.

The proposal is therefore considered to be contrary to Policy EN8 of the Core Strategy and 196 of the NPPF.

5. Other considerations

Impact upon neighbouring properties along with highway safety and car parking were all assessed under application PF/14/0887. Whilst Officers were not satisfied that the relationship with neighbouring dwellings was acceptable the application was approved, and the development has commenced. Given that there are no significant changes between what has been approved and the current application in terms of the impact upon neighbouring dwellings, this is not a matter for further consideration under this application. Matters of highway safety and car parking were considered to be acceptable. There are therefore no changes in respect of these matters.

6. Conclusion

Officers recognise that the applicant is not only developing the site of the extension, but also bringing the Burlington itself back into use, through the extant permissions for the conversion of the building into flats. This can ensure its long term viable future of this iconic building, which is very much welcomed.

The extension to the Burlington has presented challenges, given the importance and prominence of the building and the impacts of development on the designated heritage asset. Negotiation and discussion has taken place between the applicant and their agent to try and reach an acceptable conclusion, which is appropriate in terms of design and heritage impacts and acceptable / deliverable to the developer. It is acknowledged that the applicant has attempted to address the concerns raised by Officers. Unfortunately, for the reasons set out in this report is not considered that this has been achieved. Officers have carefully weighed the balance of harm against the wider benefits of this proposal. Whilst there are positives to the proposal which have been acknowledged and reported, it is considered that the level of harm to the heritage asset is significant and sufficient enough to tip the balance to one being a negative one which cannot be outweighed by the wider public benefits.

Officers are unable to support the application for the reasons stated in this report. As a result the proposal is contrary to policies EN4 and EN8 of the adopted North Norfolk Core Strategy and to paragraphs 130 and 193 of the NPPF.

RECOMMENDATION:

REFUSAL for the following reasons:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

SS 1 - Spatial Strategy for North Norfolk

SS 3 - Housing

EN 4 - Design

EN 8 - Protecting and enhancing the historic environment

National Planning Policy Framework (NPPF) (2019) Paragraph 130

National Planning Policy Framework (NPPF) (2019) Paragraph 196

It is the opinion of the Local Planning Authority that as a result of the changes made to the permitted scheme under planning application reference: PF/14/0887 that the quality of the design of the approved scheme would be materially diminished to the significant detriment of the character and quality of the area. The applicant has therefore failed to demonstrate compliance with Policy EN4 of the Core Strategy and paragraph 130 of the National Planning Policy Framework.

In addition, it has been established that the impact of the proposed development would result in 'less than substantial' harm being caused to the significance of the designated heritage asset (Sheringham Conservation Area) and historic significance of the former Burlington Hotel. It is not considered that there are any wider public benefits arising from the proposals, which either singly or in combination accrue sufficient positive weight to outweigh the harm identified to the heritage asset as required by paragraph 196 of the National Planning Policy Framework.

There are no material considerations that would justify a departure from policy.

The proposal is therefore considered to be contrary to policies SS1, SS3, EN4 and EN8 of the adopted North Norfolk Core Strategy, paragraphs 130 and 196 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

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Jo

As you as all too aware, this has been a difficult scheme from the outset with a number of involved design considerations in play. Unfortunately this has not been helped by the change of ownership and the way the approved scheme has only been partially adopted. We are now left in a position where we have to compare the scheme as approved with the scheme as now proposed and come to an overall view as to whether the latter represents a dilution of quality over the former.

In this regard, our job has been made that much harder by the applicants having only submitted fresh elevations. These really only tell half the story and do not tally with certain aspects of the approved floor plans which are still being relied on (albeit seemingly without the permission of the original agent). There is therefore more than a degree of guesswork involved in assessing the impact of some of the proposed changes.

From what we can deduce, the overall form and basic composition of the extension is as was approved. Hence, from many people's point of view, the development as revised, at least on a superficial level, would be much the same as that approved. It is only when one studies the elevations more closely that the individual variations begin to announce themselves. However, it has to be said that this is a far from complete picture, and it is one which effectively bars us from building up a true picture of the development in its completed form.

Breaking this down into some of its constituents parts: -

- On the north and south elevations, It is not clear what would happen at the junction of the existing building and extension – the approved layout plans show changes of plane and a slight set back but these do not appear to be reflected in the proposed elevation (the oversailing string courses on the front façade appear cut off). Particularly as the steel work appears to actually step forward on site, it is vital that we gain a proper understanding of the relationship between the existing and proposed elements, and the materials used thereon.
- Also on the north and south elevations, some of the small square windows have been moved on the elevations and therefore do not correspond with the retained layout plans.
- On the west elevation, there is a lack of clarity on how the transition between "Wall Specification 1" and "Wall Specification 2" would be achieved – again the approved layout plans show a step but the steelwork on site appears to run through on the same plane.
- Where the west-facing gable returns onto the north elevation, the standing seam roof has been reduced in depth and appears to no longer be supported by a deep and feathered eaves line – the net result appears relatively 'mean' by comparison.
- Extending the above point, the suggestion from the elevations is that deep overhang over the west-facing gable would be replaced with a plain and potentially flush fascia. Whether or not this is down to the draughtsmanship or not is unclear.
- On the south elevation, the dormer has grown in depth and would be more prominent as a result. This has pushed the solar panels further up the roofslope almost to the ridge. The diminishing eaves line is also repeated on this facade.
- The elevations appear to have dropped the approved brick plinth which would have projected out of the elevations at low level.
- The construction of the balconies has changed.

Taking these various changes together, the initial impression given is that the original scheme has been taken and watered down. However, to precisely what extent this matters remains to be fully established. Whilst some of the changes might well be substantive causes for concern, others may be more purist matters which would not significantly diminish the overall quality. As we stand, however, there is too much uncertainty to enable Conservation and Design (C&D) to form a definite

view. Instead, it is recommended that the applicant is asked to provide additional clarity on the changes and respond to the initial concerns expressed.

Finally, for the record, C&D are mindful of the passionate representations received from the original architect. Whilst perfectly understandable, they are not passions shared by C&D having objected to the original application. Therefore, with the permission having affectively been handed over through the sale of the site, this new application must be considered on its own planning merits. It is therefore vital that we focus on the scheme as now proposed and gain a fuller understanding of whether it would be compliant with paras 130 and 193 of the NPPF or not.

Chris Young
Conservation Design & Landscape Team Ldr

From: [Conservation & Design](#)
To: PF/20/1564 - Burlington Hotel, Sheringham
Cc: 08 January 2021 09:30:34
Subject:
Date:

Jo

Having been drip fed details of this scheme over the last 18 months or so, and having expended considerable time and effort on trying to work out what is actually proposed, we can now at least welcome what would appear to be a complete suite of drawings. At long last this now provides us with greater certainty in terms of what we are being asked to consider.

Before going into this in more detail, however, it is worth saying that the role of Conservation & Design (and indeed the wider planning system) is not to get drawn into the minutiae around the physical construction of the new build – that is essentially a matter for the architect/engineer in association with the building inspector. Instead our role is to assess the external appearance of the building and judge whether it would have a positive or negative impact upon the local built environment and any designations therein. In this case, that judgement obviously needs to be made in the context of what Development Committee previously approved. As a result, para 130 of the NPPF gets drawn into the equation in the sense that LPAs should not allow the quality of approved developments to be *"materially diminished between permission and completion, as a result of changes being made to the permitted scheme"*.

Against this backdrop, it is now clear that what is now proposed involves innumerable changes to what was originally approved. Our task is therefore to go through these variations and decide which would make a material difference and which would not. This is by no means easy given the building in question and the design that was approved. However, running through the three elevations in turn, and focussing on the most substantive changes, C&D can now conclude as follows: -

North Elevation

- As approved, the extension purposely featured an indented step back from the front corner of the existing building. This was to ensure it paid due deference to the host structure and so that it had some regard for the stone dressings which turned the corner onto the west-facing gable (NB: this happens on 4 separate occasions and not just at FF floor level as suggested in the agent's notes – see the white circles in the image below).
As proposed, however, the extension has effectively been pulled forward in its entirety and now shows a projecting wall springing out of this corner to meet a new steel corner post. Not only is this likely to see the loss, concealment and/or cutting through of these important string courses, but it will also result in the new build completely trumping the original hotel. On a point of detail, it is noted that this new corner post is shown faced in brick slips on the submitted elevation. However, the email below refers instead to circular powder coated flashing instead. Either way this alteration must be considered harmful.



- Similarly, the extension as approved made allowances for the decorative cornice which returns around the west gable under a small tiled roof. This was in recognition of the

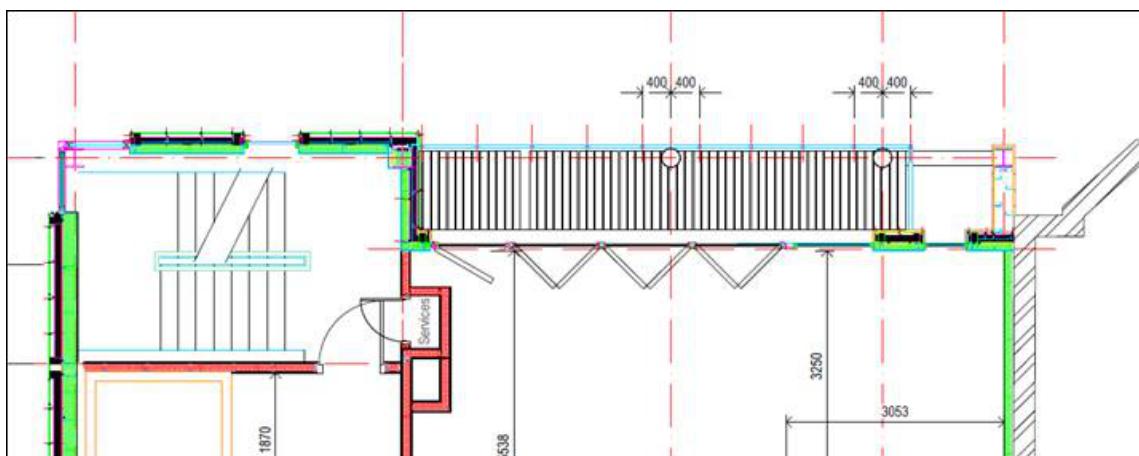
importance of this feature in capping both the main elevation and the east-facing return (in which a similar detail can be seen). The second photo above shows this feature more clearly prior to its apparent removal.

As proposed, however, it would appear that this has been unceremoniously chopped off so that the steelwork can be driven past and out to meet the new corner post (see yellow circle in the image above). This alteration therefore has to be considered insensitive and harmful.

- As approved, the balconies were cantilevered out from the main elevation and would have slotted into the alcove made by the projecting lift/stair tower. They also featured decks with tapered profiles.

As proposed, however, the balconies would essentially be more fully absorbed into the facade as a result of the horizontal steels spanning all the way across to the existing building (and the new corner post). Not only would this leave a rather curious arrangement where the decks appear to carry on but the actual balconies and ballustrading stop short (thus leaving a void as shown below), but it would more importantly be at the expense of some of the original modelling and additive form. This comparative lack of depth, allied to the abandonment of the tapering profile on the decks, would rob the structure of visual interest and elegance. Additional harm therefore would result.

** In offering the above comment, C&D are clearly mindful that the ballustrading and the upright supports have been approved as part of the recent condition discharge application. This, however, does not change the substance of the comment as the earlier submitted details were presented without any accompanying floor plans and featured an earlier iteration of the front elevation (Rev C) in which the horizontal steels stopped well short of the existing building. Therefore, whilst C&D remain of the view that the actual ballustrading and vertical supports remain acceptable, the overall impact of the changes made is not.*



- As approved, the attic storey sprung from the eaves line on the existing building and thus finished broadly in line with the head of the existing dormer windows. It also featured a decent roof cap which was pitched at the same angle as the existing hotel.
- As proposed, however, the changing position of the floor levels below has jacked up the position of the attic storey such that it now springs from above the eaves line. It would therefore feature a (presumably) shallower-pitched roof with less presence. In addition, this change would extend the animation on elevation such that the new build would be more impactful at high level (something which is definitely not in the spirit of the original hotel).
- * In offering this comment, C&D are rather less concerned about the changing position of the smaller square windows below which as approved did not obviously align with the existing building.*

- It is not entirely clear what is proposed in respect of the front lean-to canopy over the entrance. As proposed, it has been shown as a simple line on both the northern and western elevations which clearly cannot be the case. It is therefore assumed that the full extent of the lean-to has simply not been drawn on the northern elevation.
- The change of facing materials is something that C&D should perhaps touch upon. As approved, these primarily featured a polychromatic mix of modular terracotta panels. As now proposed, however, these have been replaced by brick slips and rainscreen panels. With an overtly contrasting result inevitable either way, however, C&D do not consider this change to be materially harmful (hence why the revised materials were approved as part of the previous condition discharge).

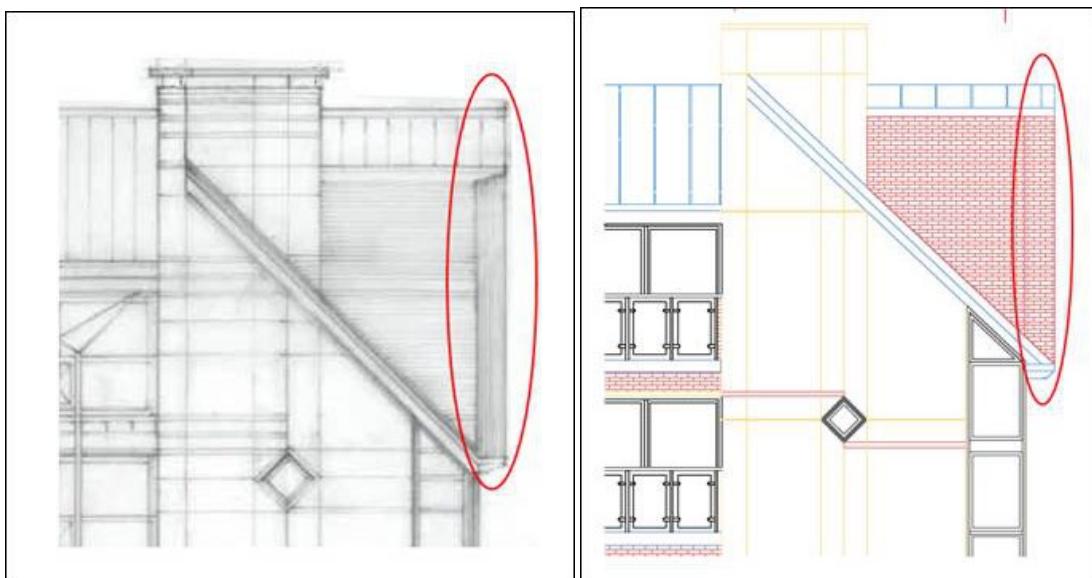
West Elevation

- As approved, the transition from the lift/stair tower to the accommodation was marked not only by a change of facing material but also by a change in the plane of the elevation. Not only did this reinforce the junction between the north and west-facing gables but it also added depth and interest to the elevation.

As proposed, however, this step would be removed and the two materials would be left to just run into each other with a flush butt joint. The net result would remove this important articulation and thus leave us with a comparatively flat and heavy looking elevation. It would also remove the ability to complete the feathered eaves line on the lift/stair tower.

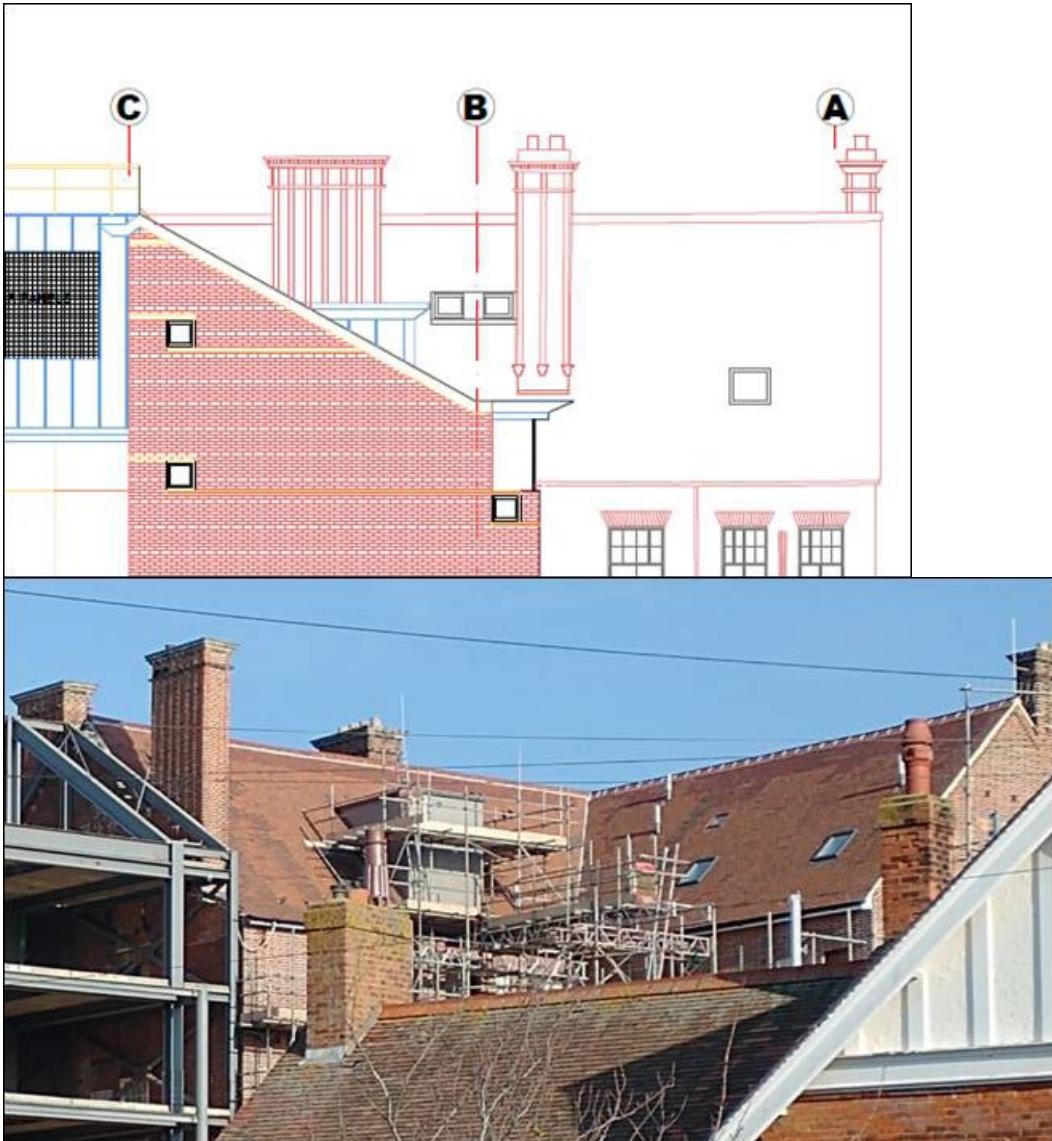
- As approved, the west-facing gable featured a main pitch which appeared to match that of the main building. As a result, it had a degree of compatibility and an upright proportion which would have helped to draw the eye away from the overall scale and massing. It also featured a deep overhanging verge which would have provided a useful shadow line and visual cap.

As proposed, however, the pitch of the roof has been slackened off to allow for the jacking up of the eaves at the back of the new build – the consequence would be a weightier and less elegant looking gable. It would also seemingly no longer have the overhanging verge detail (at least from what we can infer from the northern elevation – see before and after extracts below). Instead the indication is that it would only be capped with a less effective fascia board (unless the brick slip hatching has been wrongly applied).



- On another point of detail, this elevation shows two large chimneystacks on the existing

building. However, only that on the gable end still appears to be in situ. Whether the applicants have knocked the other one down is unclear. The configuration of rooflights on the existing building also appears to be inaccurate (see images below).



South Elevation

- As mentioned above, the south-facing roofslope as approved echoed the pitch of the building's existing roof. With it also springing from a point which was broadly equivalent to its original eaves line, there was a degree of compatibility across the existing and proposed elements.
As proposed, however, the consequence of jacking up the roof pitch is to create an awkward upstand and tapering abutment between the two elements. Quite how this would be finished is not entirely clear from the plans submitted. However, resultant marriage is surely likely to be less comfortable. It would also seemingly be without the feathered eaves line again where the new meets the old.
- As for the connection below eaves line, the position is far from clear when one compares the plans with the position on site – the fact that the former only show the existing building in outline certainly does not help in this regard. However, as far as can be determined, there is another corner post which it appears would be concealed with brick slips. If this is the case, it would not be desirable if they simply finished flush with the existing brickwork (which looks

- like it may be possible).
- As approved, the dormer on this elevation would already a fairly large proposition by virtue of its overall width. At least, however, the steeper roof pitch enabled the depth of this feature to be kept down so that one of its dimensions would have been commensurate with its high level position.
As proposed, however, the depth of the dormer (and its panes of glass) have been increased in size such that it would have an even greater impact within the roofscape. This is far from welcome given its likely visibility across the town.
 - As regards the balconies on this elevation, they appear to generally accord with the position of those approved. Whilst the same cannot be said for the supports and the little square windows, it is not considered that this elevational re-ordering would materially harm the overall end result.

Conclusion

Summarising, this is a scheme which has been both controversial and difficult from the outset. However, for better or worse it was approved and has set a form of benchmark against which we must judge these revised proposals. Unfortunately, in this regard, it has to be said that what is now before us is sadly lacking. For the reasons outlined above, C&D can only really conclude that the end result would not be of the same quality of the original proposal and would thus fail to accord with the provisions of para 130.

Whether this is down to original failings, cost-cutting or negligence is largely immaterial from a planning point of view. More important is what it would actually mean for the wider Sheringham Conservation Area. Here the conclusion is a simple one – due to the significance and prominence of the building, this is not a site where dilution can be contemplated. Instead, it demands the best possible result in order to give the scheme a fighting chance of preserving the overall significance of the designated area. Therefore, unless you feel that the public benefits accruing from the revised proposals outweigh the identified harm, the LPA would be obliged to refuse this application. In this regrettable event, the development being held up would be through no fault of the Council.

Chris

From: Chris Young <[mailto:chris.young@norfnorfolk.gov.uk](#)>
Sent: 02 February 2021 08:59
To: Jo Medler <[mailto:jo.medler@norfnorfolk.gov.uk](#)>
Subject: PF/20/1564 - Burlington Hotel, Sheringham

Jo

I refer to the amended plans and additional notes received on the 15th January and can now offer the following further C&D response.

For ease of reference and continuity, I have added comments below in red to those offered previously.

Chris

Chris Young
Conservation Design & Landscape Team Ldr



From: Chris Young
Sent: 08 January 2021 09:31
To: Planning Consultation <[mailto:planning.consultation@norfnorfolk.gov.uk](#)>
Cc: Jo Medler <[mailto:jo.medler@norfnorfolk.gov.uk](#)>
Subject: PF/20/1564 - Burlington Hotel, Sheringham

Jo

Having been drip fed details of this scheme over the last 18 months or so, and having expended considerable time and effort on trying to work out what is actually proposed, we can now at least welcome what would appear to be a complete suite of drawings. At long last this now provides us with greater certainty in terms of what we are being asked to consider.

Before going into this in more detail, however, it is worth saying that the role of Conservation & Design (and indeed the wider planning system) is not to get drawn into the minutiae around the physical construction of the new build – that is essentially a matter for the architect/engineer in association with the building inspector. Instead our role is to assess the external appearance of the building and judge whether it would have a positive or negative impact upon the local built environment and any designations therein. In this case, that judgement obviously needs to be made in the context of what Development Committee previously approved. As a result, para 130 of the NPPF gets drawn into the equation in the sense that LPAs should not allow the quality of approved developments to be “*materially diminished between permission and completion, as a result of changes being made to the permitted scheme*”.

Against this backdrop, it is now clear that what is now proposed involves innumerable changes to what was originally approved. Our task is therefore to go through these variations and decide which would make a material difference and which would not. This is by no means easy given the building in question and the design that was approved. However, running through the three elevations in turn, and focussing on the most substantive changes, C&D can now conclude as follows: -

North Elevation

- As approved, the extension purposely featured an indented step back from the front corner of the existing building. This was to ensure it paid due deference to the host structure and so that it had some regard for the stone dressings which turned the corner onto the west-facing gable (NB: this happens on 4 separate occasions and not just at FF floor level as suggested in the agent's notes – see the white circles in the image below).

As proposed, however, the extension has effectively been pulled forward in its entirety and now shows a projecting wall springing out of this corner to meet a new steel corner post. Not only is this likely to see the loss, concealment and/or cutting through of these important string courses, but it will also result in the new build completely trumping the original hotel.

In the latest plans, the wall which was previously shown projecting out of the corner of the extension has been removed. Whilst that in theory should better reveal the corner of the existing building, in practice the gain is a relatively modest one with the corner post and (seemingly) return steels remaining in place. As such, the new build would continue to project in front of the original building and would thus still compromise the intended subservience in this area. Views of the stone dressings would therefore be through the steelwork rather than unhindered as approved.

On a point of detail, it is noted that this new corner post is shown faced in brick slips on the submitted elevation. However, the email below refers instead to circular powder coated flashing instead. Either way this alteration must be considered harmful.

The latest plans and notes have now clarified that this corner post would be left exposed rather than faced in brick slips. They also confirm that it will be circular in profile which is interesting given its current square profile – is the proposal really to dismantle this existing upright? Either way, the end result would unfortunately be a comparatively crude detail in which a fully expressed steel would rise full height up the elevation. In offering this comment, the structural justification for this post has been noted; i.e. to support the overhanging 5th floor canopy. Whilst the lack of an engineering qualification prevents this being directly challenged, the stated need is a surprising one with other options surely available to take up this relatively modest load; e.g. introducing additional vertical steels which are inset within the doors at attic level. Ironically the latest North Elevation appears to show just such a support. However, as this has been shown only above the left hand main upright, and because it does not correspond with the existing situation on site (in which the sloping steel rafters appear to come right down to the level of the attic balcony), it is not clear if this is by design or accident. Equally, we have differing accounts over whether the problem is an original oversight or a situation of the applicant's own making. As previously stated, however, this is largely an academic point in planning terms. More important is the fact that the change would be a retrograde one in design terms.



- Similarly, the extension as approved made allowances for the decorative cornice which returns around the west gable under a small tiled roof. This was in recognition of the importance of this feature in capping both the main elevation and the east-facing return (in which a similar detail can be seen). The second photo above shows this feature more clearly prior to its apparent removal.

As proposed, however, it would appear that this has been unceremoniously chopped off so that the steelwork can be driven past and out to meet the new corner post (see yellow circle in the image above). This alteration therefore has to be considered insensitive and harmful.

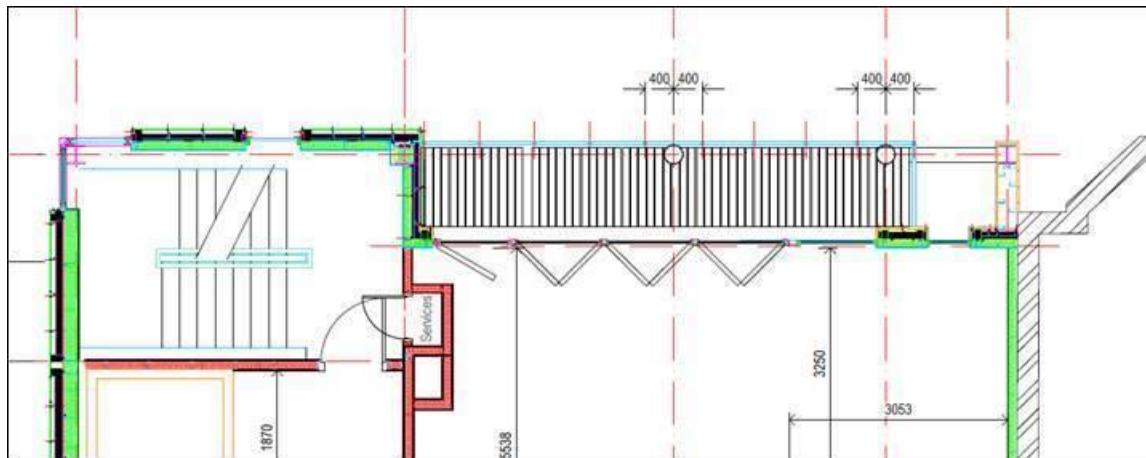
The latest information confirms that this eaves and cornice detail would be retained. Whilst on the face of it this is something that we should be able to welcome, there are two reasons why support cannot nicely be offered at the time of writing; i) it has already been removed and therefore cannot be retained – it would have to reinstated, and ii) the actual act of reinstatement would surely be impeded by the return steelwork and the diagonal bracing. Even if it can physically be put back, it would be set in behind the corner post and would therefore lose some of its impact.

- As approved, the balconies were cantilevered out from the main elevation and would have slotted into the alcove made by the projecting lift/stair tower. They also featured decks with tapered profiles.

As proposed, however, the balconies would essentially be more fully absorbed into the facade as a result of the horizontal steels spanning all the way across to the existing building (and the new corner post). Not only would this leave a rather curious arrangement where the decks appear to carry on but the actual balconies and ballustrading stop short (thus leaving a void as shown below), but it would more importantly be at the expense of some of the original modelling and additive form. This comparative lack of depth, allied to the abandonment of the tapering profile on the decks, would rob the structure of visual interest and elegance. Additional harm therefore would result.

Reinstating the tapering profile to the four shorter balconies can be welcomed. However, it appears that this must be balanced against the depth of the decks having been simultaneously increased. Therefore, whilst they would sit a bit more comfortably into the alcove on the front elevation, they could also have a slightly heavier appearance. Additionally, it is noted that the short horizontal steels adjacent the original building have been removed from the proposed North Elevation, thus also doing away with the curious voids we had before. Whilst again fine in theory, there is surprisingly no commentary around when this might happen, or more importantly how the corner post would be supported laterally (surely it would not just be left floating with only minimal tying back into the main structure).

** In offering the above comment, C&D are clearly mindful that the ballustrading and the upright supports have been approved as part of the recent condition discharge application. This, however, does not change the substance of the comment as the earlier submitted details were presented without any accompanying floor plans and featured an earlier iteration of the front elevation (Rev C) in which the horizontal steels stopped well short of the existing building. Therefore, whilst C&D remain of the view that the actual ballustrading and vertical supports remain acceptable, the overall impact of the changes made is not.*



- As approved, the attic storey sprung from the eaves line on the existing building and thus finished broadly in line with the head of the existing dormer windows. It also featured a decent roof cap which was pitched at the same angle as the existing hotel.
As proposed, however, the changing position of the floor levels below has jacked up the position of the attic storey such that it now springs from above the eaves line. It would therefore feature a (presumably) shallower-pitched roof with less presence. In addition, this change would extend the animation on elevation such that the new build would be more impactful at high level (something which is definitely not in the spirit of the original hotel).
No changes are proposed in response to these concerns. Instead a justification has been put forward for the retention of the status quo which is based around nominal floor-to-floor dimensions. Whether this is another lapse, or a consequence of how the steel frame has been erected, is not something that merits further speculation. Rather, it just means that the valid concerns previously expressed about the increased visual impact at high level remain outstanding.
- * In offering this comment, C&D are rather less concerned about the changing position of the smaller square windows below which as approved did not obviously align with the existing building.
- It is not entirely clear what is proposed in respect of the front lean-to canopy over the entrance. As proposed, it has been shown as a simple line on both the northern and western elevations which clearly cannot be the case. It is therefore assumed that the full extent of the lean-to has simply not been drawn on the northern elevation.
The additional drawing has helped to clarify matters here with the canopy now considered to be acceptable.
- The change of facing materials is something that C&D should perhaps touch upon. As approved, these primarily featured a polychromatic mix of modular terracotta panels. As now proposed, however, these have been replaced by brick slips and rainscreen panels. With an overtly contrasting result inevitable either way, however, C&D do not consider this change to be materially harmful (hence why the revised materials were approved as part of the previous condition discharge).

Two additional matters have emerged on this front elevation: -

- The applicants are now of the opinion that the lattice vertical supports which run right up to attic level serve no useful purpose and are visually intrusive – they have therefore been removed from the scheme on both this and the southern elevation. This is not a view shared by C&D, however. Indeed we would argue that they would not only provide valuable support for the

canopy visually, but they would also contribute additional interest, depth and quality to the elevation as a whole. Their deletion therefore must be considered retrograde.

- Lowering the brick plinth was not something C&D previously referred to but has now been specifically mentioned by the applicant. For the record, however, this is not considered to be a substantive design issue.

West Elevation

- As approved, the transition from the lift/stair tower to the accommodation was marked not only by a change of facing material but also by a change in the plane of the elevation. Not only did this reinforce the junction between the north and west-facing gables but it also added depth and interest to the elevation.

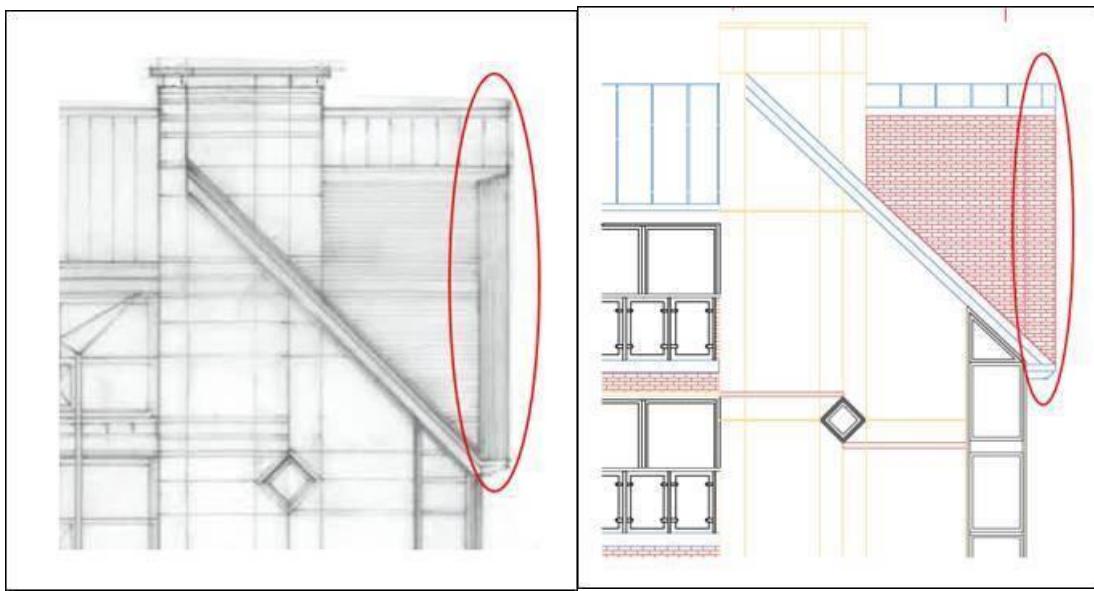
As proposed, however, this step would be removed and the two materials would be left to just run into each other with a flush butt joint. The net result would remove this important articulation and thus leave us with a comparatively flat and heavy looking elevation. It would also remove the ability to complete the feathered eaves line on the lift/stair tower.

The amended plans show the Trespa cladding being pulled 200mm out from the face of the brick slips. Whilst it is not clear how this would be done in practice (presumably some kind of projecting form/stud work), this is not critical from a planning point of view. More relevant is the fact that it would reinstate some much needed relief and a shadow line between the two materials. It therefore must be regarded as a positive move.

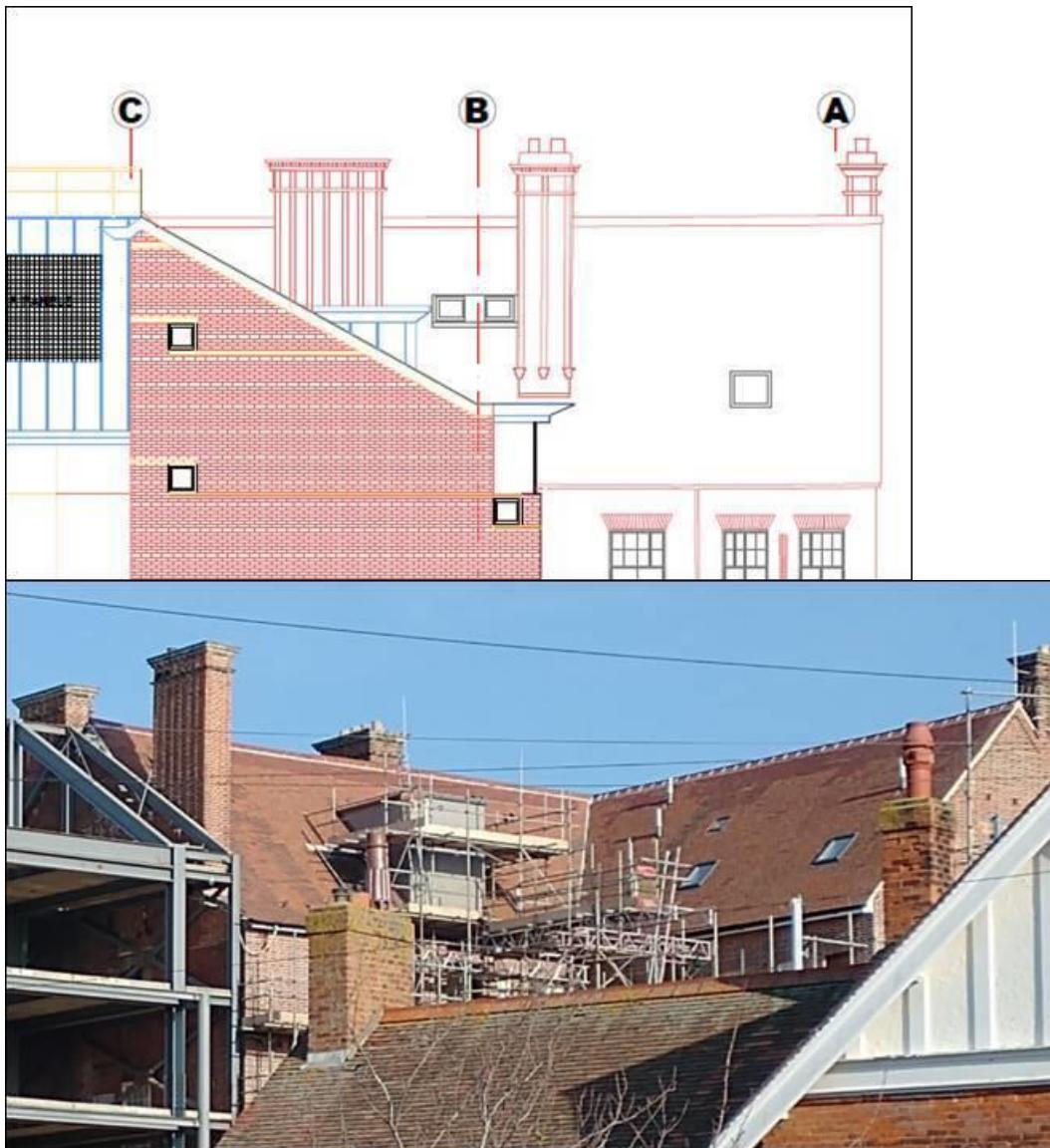
- As approved, the west-facing gable featured a main pitch which appeared to match that of the main building. As a result, it had a degree of compatibility and an upright proportion which would have helped to draw the eye away from the overall scale and massing. It also featured a deep overhanging verge which would have provided a useful shadow line and visual cap.

As proposed, however, the pitch of the roof has been slackened off to allow for the jacking up of the eaves at the back of the new build – the consequence would be a weightier and less elegant looking gable. It would also seemingly no longer have the overhanging verge detail (at least from what we can infer from the northern elevation – see before and after extracts below). Instead the indication is that it would only be capped with a less effective fascia board (unless the brick slip hatching has been wrongly applied).

In-line with the North and South Elevations, the pitch of the roof remains unchanged. Hence, the previously expressed concerns about the gable still apply. As regards the overhanging verge detail, it is noted that the accompanying notes talk about *all* eaves and verges having a minimum 300mm overhang the soffit/fascia. Whilst this is a welcome confirmation, this unfortunately does not appear to have made its way onto the North Elevation. Instead, the brick slips annotation is still showing as finishing flush with the roof slope above. Therefore, unless the underside of the soffit is unusually also being faced with slips, something is missing. Additionally, it is not clear what the thin downpipe-like depiction is that has appeared in this area. If it is actually a downpipe, one might have expected it to have also featured on the West Elevation for clarity.



- On another point of detail, this elevation shows two large chimneystacks on the existing building. However, only that on the gable end still appears to be in situ. Whether the applicants have knocked the other one down is unclear. The configuration of rooflights on the existing building also appears to be inaccurate (see images below).
The configuration of rooflights has now been corrected but the absence of the second chimney on the proposed elevation appears to confirm that this has been taken down. Harm has therefore resulted from the loss of this important secondary stack.



South Elevation

- As mentioned above, the south-facing roof slope as approved echoed the pitch of the building's existing roof. With it also springing from a point which was broadly equivalent to its original eaves line, there was a degree of compatibility across the existing and proposed elements. As proposed, however, the consequence of jacking up the roof pitch is to create an awkward upstand and tapering abutment between the two elements. Quite how this would be finished is not entirely clear from the plans submitted. However, resultant marriage is surely likely to be less comfortable. It would also seemingly be without the feathered eaves line again where the new meets the old.
The latest plans have reinstated the feathered eaves line and have confirmed that the abutment between the existing and proposed elements would be faced with brick slips. Beyond this, however, the differences between the two roof pitches would remain and thus a less comfortable co-existence would ensue.
- As for the connection below eaves line, the position is far from clear when one compares the plans with the position on site – the fact that the former only show the existing building in outline certainly does not help in this regard. However, as far as can be determined, there is another corner post which it appears would be concealed with brick slips. If this is the case, it

would not be desirable if they simply finished flush with the existing brickwork (which looks like it may be possible).

The notes confirm that the corner post and brick slips would be set back 100mm from the existing rear elevation – something which appears to be borne out on site and is certainly better than the arrangement on the north side. The problems with interpretation stem from the setting out plans unhelpfully showing the existing building projecting some 4.5m out from the back wall of the extension. The lack of a new setting out plan above the 3rd floor also does not help in this regard.

- As approved, the dormer on this elevation would already a fairly large proposition by virtue of its overall width. At least, however, the steeper roof pitch enabled the depth of this feature to be kept down so that one of its dimensions would have been commensurate with its high level position.

As proposed, however, the depth of the dormer (and its panes of glass) have been increased in size such that it would have an even greater impact within the roofoscape. This is far from welcome given its likely visibility across the town.

The applicant are of the view that the increase in size would be small and is not detrimental to the elevation. Unfortunately this is not a view C&D share.

- As regards the balconies on this elevation, they appear to generally accord with the position of those approved. Whilst the same cannot be said for the supports and the little square windows, it is not considered that this elevational re-ordering would materially harm the overall end result. As on the northern elevation, the removal of the vertical lattice framing is considered to be a retrograde move.

Conclusion

Summarising, this is a scheme which has been both controversial and difficult from the outset. However, for better or worse it was approved and has set a form of benchmark against which we must judge these revised proposals. Unfortunately, in this regard, it has to be said that what is now before us is sadly lacking. For the reasons outlined above, C&D can only really conclude that the end result would not be of the same quality of the original proposal and would thus fail to accord with the provisions of para 130.

Whether this is down to original failings, cost-cutting or negligence is largely immaterial from a planning point of view. More important is what it would actually mean for the wider Sheringham Conservation Area. Here the conclusion is a simple one – due to the significance and prominence of the building, this is not a site where dilution can be contemplated. Instead, it demands the best possible result in order to give the scheme a fighting chance of preserving the overall significance of the designated area. Therefore, unless you feel that the public benefits accruing from the revised proposals outweigh the identified harm, the LPA would be obliged to refuse this application. In this regrettable event, the development being held up would be through no fault of the Council.

For the above reasons, it is difficult to see how C&D can reasonably be expected to reach a different conclusion to that previously expressed; i.e. that the end result would represent a dilution of quality on that originally approved. Whilst the gap may have closed in a few localised areas, it has remained the same or even opened up in other key respects. Therefore, it is with regret that support still cannot be offered to this application.

Chris

From: Chris Young
Sent: 17 February 2021 17:01
To: Phillip Rowson
Cc: Jo Medler
Subject: PF/20/1564 - Burlington Hotel, Sheringham

Phillip

Having been through the latest suite of documents received by the Local Planning Authority on the 10th February, Conservation & Design can now offer the following supplementary comments: -

Beginning with the positives.....

- The new plans provide for the reinstatement of the approved lattice supports on the front and rear elevations of the new build, and for the reinstatement of the removed eaves return and cornice details on the existing building. In the latter respect, the comment about the diagonal bracing being removed in the accompanying letter has been noted – as existing this would foul the reinstatement of this detail. However, it is not at all apparent on the accompanying plans where this deletion has been confirmed pictorially, or how the subsequent lack of lateral support would then be compensated for (or indeed when).
- We have also now received some clarity on the finish of the steel corner post immediately adjacent the existing building on the front elevation, and on the verge overhang detail at the head of the western elevation.
- We have been supplied with an up-to-date setting out plan for the 4th floor, although seemingly we still do not have one for the 5th floor.

These developments, along with the reduction in the depth of the dormer on the rear elevation, and the cladding projection on the western elevation previously acknowledged, demonstrate attempts have been made to address some of our previous concerns.

In reality, however, the amendments made relate principally to more superficial matters, or to where there were previously inaccuracies/uncertainties with the scheme. They do not drive at the heart of the more fundamental concerns around form and compatibility, and the overall dilution of quality. The outstanding concerns can therefore be summarised as follows: -

1. The new build would represent a less respectful version of that approved.

To recap, the original scheme purposely featured an indented step back from the front corner of the existing building. This was to ensure it payed due deference to the host structure and so that it had some regard for the stone dressings which turned the corner onto the west-facing gable. From this, the stair tower then stepped out to comfortably house the projecting balconies within the alcove created. By contrast, the new build would affectively be pulled forward in its entirety so that the whole of its leading edge (in the form of the steel framework) would sit forward of the existing building. Whilst the front wall of the flats would be indented behind this, the overall perception would still be of the 3D form and massing being extruded in its totality rather than additively and subserviently as approved – the way the balconies would then finish virtually flush with the front face of the overall structure would affectively see them being swallowed up visually, rather than expressed as approved. This, along with views of the stone dressings no longer being unobstructed, would simply reinforce the notion of the new build trumping the original hotel.

2. The new build would represent a less refined/elegant version of that approved.

Particularly on the front elevation the extension would affectively ‘lead’ with its steelwork visually. Even if sections of this would be sheathed with curved aluminium profiles, the end result would still surely be a comparatively crude re-enactment of the original scheme. As approved, the skeleton would have remained silent and the balconies would have cantilevered gracefully out of the main elevation.

3. The new build would represent a less compatible version of that approved at high level.

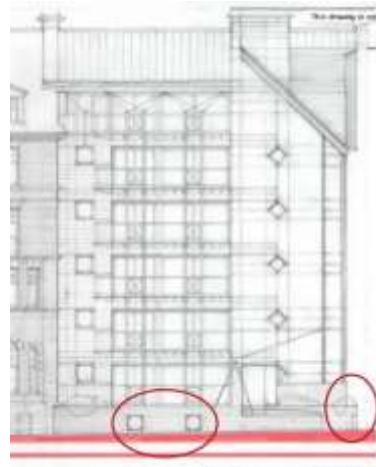
The core of original scheme sought to echo the roof pitch of the core of the original building. In so doing, it would have not only obeyed one of the common ingredients of complementary design, but it would also have married up the main roof planes between existing and proposed. By contrast, the roof pitches front and back have been slackened as part of raising the main eaves line. The net result would inevitably mean the new build would ‘plug’ less successfully into, and would juxtapose more awkwardly with, the original hotel. It would also seemingly have consequences for the west elevation in terms of increasing its apparent width and bulk (even in its current skeletal form).

4. The new build would represent a more assertive version of that approved at high level.

One of the C&D concerns about the approved scheme was that it was unduly assertive at high level and would have detracted from the original hotel. Unfortunately the new scheme has exacerbated this by jacking up the roof structure and raising the level of the upper floors. Hence, on the front elevation, the 5th floor would now finish above, rather than level with, the existing dormers, whilst on the rear elevation the 4th floor would now finish above, rather than level with the main eaves line (NB: the small catslide roof on the backside of the building is not considered relevant to this debate visually).

Away from these broad concerns, three additional matters have come to light since the previous C&D comments were drafted; namely: -

- a) Unless there is another explanation for the palettes being labelled “Used Red Brick” (and quoting their size), it would appear that the plinth on the new build is currently being built using generic reclaimed bricks rather than bricks that have been salvaged from the demolished section of the hotel. Not only does this run contrary to the provisions of the original approval but it will inevitably have implications for compatibility.
- b) On the front elevation, it would appear that this plinth is being built entirely solid and will not feature the two square openings which were originally approved. As well as providing ventilation to the car park, these would have provided some interest to an otherwise blank wall at pavement level (as shown in the image).
- c) On the west side, the **previously** expressed plinth has gone and **now** been replaced with an equivalent which essentially **finishes** flush with the rest of the elevation (albeit the Trespa panels will superficially project out 200mm). Not only would this negate some of the visual contribution of the plinth but it could also affect the viability of the car park inside.



Each of these points (at face value at least) appear to serve as useful examples of how this scheme has evolved without any recourse to the LPA. They also helpfully contribute to the overall dilution of quality narrative which underpins this scheme. C&D have therefore not been persuaded that the scheme as now proposed would be compliant under paras 130 and 193 of the NPPF. Instead we remain very much of the opinion that it would result in ‘less than substantial’ harm being caused to

the Sheringham Conservation Area. Therefore, unless it is considered that there are material planning considerations or public benefits accruing from the scheme to outweigh the identified harm, the LPA would be obliged to refuse the application in accordance with para 196 of the NPPF and s72 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

Finally, before closing, hereunder lies some supplementary comments for the record on the latest documentation received: -

- The C&D objections to the original scheme have no direct bearing on our consideration of the current scheme – the issues raised and the overall context for our assessment are materially different.
- C&D fundamentally disagree with the contents of the Heritage Statement where it concludes that the amended scheme would relate better to the host building and that it would not make a material difference to the approved scheme's impact on the significance of this part of the conservation area. Whilst there is some common ground around the character of the area having been eroded over time, this is not seen as a justification for further harm being caused to one of the last vestiges of high Victoriana. After all there is no more prominent building within the town.
- The new east elevation which has been produced is considered to be of questionable value. This shows a view which is seldom experienced relatively speaking (the views are more angled), and is in any case not the true test. In reality, the aim should be set the new build in behind the main building line rather than level with its expressed bay windows.
- We have previously commented on the structural and practical justification put forward for the variations proposed. As before, it remains unclear whether these matters are the result of oversight or by (re)design. Either way, the structural calculations provide little assistance in terms of establishing which of the differing version of events ring truest.
- In approving the balcony details under the previous condition discharge application, it is disingenuous to suggest that the plans were available at the time and that the fundamental objections should have been raised at the time. These details were in fact presented in isolation against a backdrop of a scheme that was constantly evolving as new issues came to light. In any event, fundamental objections have been raised from the outset.
- It is now acknowledged that the removal of the second chimney on the west elevation formed part of the original approval.

Chris Young
Conservation Design & Landscape Team Ldr

Sheringham - PF/14/0887 - Partial demolition of hotel and erection of six residential apartments and single-storey rear extension to hotel; Burlington Hotel, The Esplanade, Sheringham, NR26 8LG for McDermott

Minor Development

- Target Date: 10 October 2014

Case Officer: Miss J Medler

Full Planning Permission

CONSTRAINTS

Conservation Area

Residential Area

RELEVANT PLANNING HISTORY

PLA/19901395 PF

Velux rooflight north elevation - window west gable (4th floor)

Approved 22/10/1990

PLA/19970888 PF

Change of use from hotel rooms on second and third floors to eight self-contained residential flats

Approved 02/09/1997

PLA/19741025 PF

Proposed erection of fire escapes

Approved 15/11/1974

PLA/19970134 LE

Demolition of outbuildings

Approved 11/04/1997

THE APPLICATION

Is for the demolition of the west wing of the existing hotel to allow for the construction of six residential apartments and single storey rear extension.

The single storey rear extension would allow for the re-siting of the hotel bar and toilet areas at the upper ground floor level.

Car parking would be provided at the lower ground floor level and consist of 12 car parking spaces. There would be an additional six floors above the car parking level containing the six apartments. The extension would be no taller than the ridge height of the existing hotel which is approximately 20m in height. There would be a lift serving each floor.

The vehicular access remains unchanged. The site being served by the private drive to the rear off The Boulevard and The Esplanade.

The external materials to be used on the front and rear of the extension consist of terracotta red and natural stone coloured clay modular panels on the external walls, with contrasting string, head and sill courses. The west facing gable and projecting pier adjacent to the west gable would be constructed in smooth red facing brick, and buff coloured brick for the string, head and sill courses. All external windows and doors are to be grey powder coated metal frames. The roof material would be zinc, with an upstanding seam.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Smith having regard to the following planning issue(s):

1. Design
2. Impact upon Conservation Area
3. Retention of local business

TOWN COUNCIL

Object on the grounds that the extension is unacceptable as it is out of keeping for this iconic building and not sympathetically designed and also there should be better use of the proposed materials.

REPRESENTATIONS

One letter of objection has been received from a local resident on the grounds of the proposal being inappropriate and out of keeping with the adjacent hotel, unsympathetic cheap design, materials out of keeping with the locally listed building.

Two letters of support received.

In the supporting information submitted with the application the agent has advised that the reasons for considering redevelopment are as follows:

- The current premises, as a hotel, are only used at a maximum of 60% potential for specific time-slot periods of the year.
- The main clientele of the business are an ageing population of coach party type holiday accommodation and occasional wedding type functions.
- With the ongoing demands of clientele requirements for updated facilities and expected standards of comfort, plus the ever increasing demands of regular updates regarding health and safety, environmental health and fire standards, the large premises have an ever-increasing annual drain on financial resources set against a declining market.
- The external fabric of the buildings detailing mixture of red brick and stonework is suffering from the harsh climate of salt laden air and strong northerly winds. Serious finances are required to meet the cost of repair of the decay and erosion of areas of external walls, roof and original timber windows.

The agent's conclusion in respect of addressing the above points is as follows:

- A self-financing exercise is required in order to bring the current property up to the standards required and expected of the current day hotel.
- A smaller hotel accommodation is needed to meet the current declining demands.
- Redevelopment of under-utilised areas of the hotel into self-contained luxury apartments for sale will release capital required for the overhaul needed.

The supporting statement from the Agent is attached at **Appendix**

The agent has responded to the original consultation response from the Highway Authority and does not agree with the views expressed. The agent has advised that they would be willing to agree to signage on the site prohibiting the use of a right turn along this private access land when exiting the site.

The agent has submitted an amended plan showing the proposed means of access to the development.

CONSULTATIONS

County Council Highways (Original comments) - Access is proposed via the existing unmade access tracks to the side and rear of the site, which appear to be outside of the applicants control. These unmade access tracks are generally unsuitable for two way traffic movement due to their limited width, particularly at their intersections with the adopted highway. At the junction with The Boulevard, the access opening measures 4.6m, however, only 3.7m of that width is available for use given the presence of planted borders and a manhole cover, this would be insufficient to allow two way movement, resulting in vehicles potentially waiting or reversing on The Boulevard, to the detriment of the free flow of traffic and therefore highway safety.

A similar situation exists at the access with The Esplanade. The proposed development would be considered to engender an additional 48-60 daily movements associated with the 6 units (TRiCS database details 8-10 daily movements for a single residential property), which would take place over the narrow unmade access routes entering the adopted highway over substandard access points which are outside of the applicant's control. As the application is currently presented, I would recommend refusal on the grounds of intensification of use of substandard accesses and I would

request that this is considered to be a holding objection to allow investigation of the potential for access improvements.

Comments following receipt of amended plan - Thank you for the amended consultation received recently relating to the above development proposal, which now details means of access for the proposed development. With consideration of this revised proposal, together with the correspondence regarding improvements to the access points and internal signage, I am now able to revise my response. Should your Authority be minded to the grant of consent a condition regarding upgrading of the vehicular accesses is required.

Conservation and Design - Have made a number of detailed comments and have raised a number of concerns (see **Appendix ...**).

English Heritage - Object. The Burlington Hotel is an important building in the Sheringham Conservation Area and the proposed development will have a major impact on the Conservation Area. The proposal would result in harm to the historic significance of the Burlington Hotel and the Sheringham Conservation Area through partial demolition of the building and new development in terms of paragraphs 132 and 134 of the NPPF. The Council should also consider if the design could be substantially amended so as to make the new building more appropriate for the conservation area, but as the application stands we would recommend permission is refused. The full and comprehensive response from English Heritage is contained in **Appendix...**

Environmental Health - No objection subject to advisory notes being imposed on any approval regarding asbestos removal and demolition.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

It is considered that refusal of this application as recommended may have an impact on the individual Human Rights of the applicant. However, having considered the likely impact and the general interest of the public, refusal of the application is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

Policy SS 1: Spatial Strategy for North Norfolk (*specifies the settlement hierarchy and distribution of development in the District*).

Policy SS 3: Housing (*strategic approach to housing issues*).

Policy EN 4: Design (*specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction*).

Policy EN 8: Protecting and enhancing the historic environment (*prevents insensitive development and specifies requirements relating to designated assets and other valuable buildings*).

Policy EN 13: Pollution and hazard prevention and minimisation (*minimises pollution and provides guidance on contaminated land and Major Hazard Zones*).

Policy CT 5: The transport impact on new development (*specifies criteria to ensure reduction of need to travel and promotion of sustainable forms of transport*).

Policy CT 6: Parking provision (*requires compliance with the Council's car parking standards other than in exceptional circumstances*).

MAIN ISSUES FOR CONSIDERATION

1. Principle of development
2. Design
3. Impact upon the Conservation Area
4. Impact upon neighbouring properties

5. Highway safety and car parking

APPRAISAL

The site is located within the Residential Policy Area (Policy SS3) of Sheringham where appropriate residential development is permitted providing the proposal complies with other relevant Development Plan policies.

Officers are mindful of the continual maintenance requirements of a building of this period and scale, and that this is a local business and employer which contributes to the local economy. Such a development as proposed would allow the capital from the sale of the apartments to be used to improve and update facilities and address the condition of the building.

The principle of an extension to the hotel to provide residential accommodation is acceptable in this location, in accordance with Policy SS3 of the Core Strategy.

However, the Burlington is an iconic building in the Sheringham Conservation Area, commanding a prominent position over the eastern end of The Esplanade. It is referred to in the Sheringham Conservation Area Appraisal (Draft Summer 2013). Whilst this is only a draft document and not adopted it recognises the Burlington as worthy of being included on the District Council's provisional local list, and worth submitting for national listing. The building has been selected in the Draft Conservation Area Appraisal for local listing due to its positive contribution to the townscape. Notwithstanding that this document is only in draft the Burlington is considered to be an important building in the town. Any alterations to the existing building therefore requires careful consideration in terms of design, scale, massing, materials and relationship to surrounding neighbouring dwellings.

The Committee will note the consultation responses received from the Conservation and Design Officer and English Heritage. The Conservation and Design Officer explains the difficulties and constraints that have come to light in seeking a development proposal that would co-exist comfortably with the existing building. There are significant doubts over whether a successful 'dialogue' would be established between the existing and proposed elements. The Conservation and Design Officer has highlighted that it is rare for them to object to the principle of a contemporary approach. However, there are two main factors of concerns regarding the proposal as follows:

- Alongside the existing building, the proposed roofscape would feature a relatively complicated arrangement of wedge shapes which would surely emphasize the impact of the extension at high level. Particularly with the building being so visible from a number of vantage points, it is difficult to imagine how this grouping of mono-pitched roofslopes would subserviently complement the original building.
- Similarly, with no space available to create a separating link, the new build would have to 'plug' directly into the existing elevations with their strong vertical rhythm and well-defined bays. In practice this becomes extremely difficult as soon as an extra storey is introduced as floor levels and openings no longer correspond or sync. That is very much the case here. Whilst overall the extension would have a vertical emphasis, the rhythm and definition up through the floors and across the main façade appears on the whole to juxtapose uneasily with the host building – certainly it seems to offer much stronger horizontal desire lines principally through the proposed balconies.

There are also concerns that the main focal point of the building would be compromised by the new work. It is not considered that the proposal would be subordinate or respectful of the existing, but would have an assertive presence taking centre stage and working against the original notion of balance. This is a major concern and as a result it is not considered that the proposal would preserve or enhance the appearance and character of the conservation area.

Officers have no doubts over the considerable time and effort that the agent and applicant have put into the submitted proposal. The agent has been undertaking informal discussions with Officers since April 2013. More recent informal discussions took place with the agent prior to the submission of the application this year, when the agent was advised that Officers would be unable to support the proposal primarily on design grounds. Matters regarding the impact of the proposal on the privacy and amenities of the occupiers of neighbouring dwellings and car parking were also discussed.

A recent meeting has taken place between Officers, the agent and applicant to discuss Officer concerns. At that meeting possible amendments to the scheme were suggested. These were primarily in relation to simplifying the roof design and continuing the horizontal rhythm of the existing building, along with balancing the front elevation with a bay of proportions to that of the existing building. The agent advised that these suggestions were not practical and did not work in terms of the proposed layout. It was therefore suggested by Officers that it may be the case that too much accommodation is being sought. However, it is recognised that a reduction in the number of units proposed may have an impact in terms of the viability of the scheme as a whole.

Unfortunately, Officers, the agent and applicant have been unable to reach agreement in terms of the acceptability of the design of the scheme, as submitted.

Whilst the principle of the proposal is acceptable the difficulty for Officers and the agent has been how to best achieve such a proposal in design terms which is appropriate for the significance of the building.

The Council has to consider whether the proposal will preserve or enhance the character and appearance of the Conservation Area.

In terms of considering the design of the proposal the NPPF is also a material consideration and there are relevant paragraphs which have been considered as part of this application, as follows:

Paragraph 58 of the NPPF states that "Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; and
- are visually attractive as a result of good architecture and appropriate landscaping".

Paragraph 61 of the NPPF states that "planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment"

It is not considered that the proposal complies with the requirements of the NPPF as above.

Paragraph 64 states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

English Heritage are in agreement with the Conservation and Design Officer as you will note from their consultation response contained in **Appendix....** English Heritage consider that the proposal would result in harm to the historic significance of the Burlington Hotel and the Sheringham Conservation Area contrary to the requirements of paragraphs 132 and 134 of NPPF. Furthermore, they do not consider that the information submitted fulfils the requirements of paragraph 128 of the NPPF. Paragraph 128 of the NPPF requires applicants to describe the significance of any heritage assets affected by a development including any contribution made by their setting.

English Heritage state that the Council may consider if the new housing provided by the development might deliver a degree of public benefit as noted in paragraph 134 of the NPPF. However, English Heritage does not consider it necessary to deliver such benefit through the design proposed which would result in harm to the heritage asset. English Heritage also refer to the Council considering if the design could be substantially amended to make the new development more appropriate for the Conservation Area.

Whilst this proposal would create 6 new dwellings Officers are in agreement with English Heritage

that the degree of harm that would be caused to the heritage asset would outweigh the benefits of providing new housing in this case. As explained earlier in this report informal discussions had taken place with Officers prior to the submission of this application. Whilst Officers have made suggestions the agent considers that the scheme as submitted is the most appropriate in order to bring the development forward. This is not a view shared by Officers or the consultees. It is not considered that the proposal is acceptable in design terms or in accordance with Policy EN4 of the Core Strategy. It is considered that the proposal would result in harm to the heritage asset of the building and the Conservation Area contrary to Policy EN8 of the Core Strategy.

Furthermore it would fail to preserve or enhance the character and appearance of the Conservation Area.

In terms of impact upon neighbouring dwellings the extension would be six storeys with a ridge height no higher than that of the existing Burlington building. The orientation of the building on the site means the front elevation faces north over The Esplanade and the rear elevation faces south. Whilst there are balconies to the front of the proposed building they are serving bedrooms apart from the upper ground floor which would serve a bedroom and living/dining/kitchen. Whilst the front elevation has the sea views it also has a northerly aspect. Understandably, the agent has designed the apartments so that the main living/dining/kitchen areas to the remainder of the apartments takes advantage of the southerly aspect. However, by doing this the southern facing balconies would significantly increase the potential for overlooking of private garden areas to the surrounding neighbouring dwellings. Whilst the balconies have side walls this is not considered to be sufficient to prevent overlooking from taking place. Whilst it is understood that any extension to the Burlington in this location would require windows on the southern elevation it is the level to which overlooking could occur that is being considered. The neighbouring dwellings which are located directly to the south of the area of the Burlington to be extended are between approximately 25-27m away. In accordance with the Design Guide when considering Amenity Criteria, which is the guidance on acceptable distances between dwellings, an additional 3m should be added to the Amenity Criteria guidance for each additional storey when considering proposals for flats. The guidance would therefore suggest up to 33m between the properties to the south and the Burlington. This means there would be a shortfall of between 6 - 8m in terms of amenity criteria. There are therefore concerns regarding the current scheme in terms of relationship to neighbouring dwellings, but it is not considered insurmountable as it may be possible to reduce the impact by altering internal layouts and external fenestration.

The Committee will note that following the receipt of an amended plan detailing means of access to the proposed development that the Highway Authority now have no objection to the application subject to a condition for the existing vehicular accesses to be upgraded.

In terms of car parking the proposed six units would require 12 car parking spaces as proposed. The proposal is therefore in accordance with Council's car parking standards.

In conclusion, there is no objection in principle to an extension of the building in order for funds to be raised to help maintain this important building in the Conservation Area, and to improve facilities in order to allow the hotel to continue to function as a business and local employer. However, whilst Officers are mindful of this situation consideration also has to be given to the significance of the impact that such a proposal would have on the town's built environment. The public benefits of such a proposal have therefore been carefully considered in accordance with paragraph 134 of the NPPF. However, it is concluded that the proposal as submitted would cause significant harm to the heritage asset contrary to the requirements of the Development Plan and NPPF.

In addition, it is considered that the proposal as submitted would be detrimental to the privacy and residential amenities of the occupiers of neighbouring dwellings.

The proposal is therefore considered to be contrary to Development Plan policies and the requirements of the NPPF.

RECOMMENDATION: Refuse on the following grounds:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

SS 1 - Spatial Strategy for North Norfolk

SS 3 - Housing

EN 4 - Design

EN 8 - Protecting and enhancing the historic environment

It is the opinion of the Local Planning Authority that the proposal would result in an unacceptable and inappropriate form of development in this location.

By virtue of the design the applicant has failed to demonstrate that the proposal would not result in significant harm to the historic significance of the Burlington Hotel and the Sheringham Conservation Area.

The applicant has also failed to demonstrate that the proposal would not have a significant detrimental impact upon the privacy and amenities of the occupiers of neighbouring dwellings to the south, south west and west of the site.

The proposal is therefore considered to be contrary to the above Development Plan policies and paragraphs 128, 132 and 134 of the National Planning Policy Framework.

EXTRACT FROM MINUTES OF DEVELOPMENT COMMITTEE MEETING 27 NOVEMBER
2014

- (143) **SHERINGHAM - PF/14/0887 - Partial demolition of hotel and erection of six residential apartments and single-storey rear extension to hotel; Burlington Hotel, The Esplanade for Mr S McDermott**

The Committee considered item 9 of the Officers' reports.

Public Speakers

Mr L McGinn (Sheringham Town Council)
Mr B Smith (supporting)

The Senior Planning Officer read to the Committee the comments submitted by Councillors B J Hannah and Councillor R Smith. The local Members supported the need for investment in the hotel but had raised concerns regarding the design of the proposed extension. Councillor Smith had raised additional concerns regarding the impact on the privacy and amenities of surrounding residents.

The Senior Planning Officer reported that Officers had no objection to the principle of the extension and acknowledged that the applicant was attempting to fund improvements to the hotel building. Negotiations had taken place with the applicant's agent but concerns remained in respect of the design and impact on the Conservation area and impact on residential amenities. Officers considered that the proposal, as submitted, would result in significant harm to the heritage asset and recommended refusal of this application.

The Chairman referred to a communication which had been sent to all Members by the agent.

Councillor R Shepherd stated that The Burlington was an icon and the last true seaside hotel. He stated that neighbours and residents had been fairly positive about the proposal, but he took on board the concerns of the Town Council and local Members. He suggested deferral to consider the roof design which was causing the most concern.

Councillor J Perry-Warnes stated that holidaymakers required modern, up-to-date facilities and it was necessary for cater for them. He stated that he was very much in favour of the application and there was nothing wrong with the design. He proposed approval of this application.

Councillor R Reynolds considered that a ridge design would be more appropriate for the roof and that the small windows on the new extension should be similar in design to those at the eastern end of the existing building. He supported deferral of this application to negotiate amendments to the design.

Councillor B Smith stated that he had no objection to the general design of the extension but was concerned at the mixture of roof pitches. He understood the economic issues and did not wish to see the loss of another hotel. He supported deferral to negotiate with regard to the roof.

Councillor Mrs A C Sweeney stated that she liked the design but agreed with Councillor Reynolds' comments. She was concerned with regard to balconies on the

rear and considered that balconies would be better located on the north facing the sea.

Councillor Mrs P Grove-Jones considered that The Burlington was the only building of worth on the Esplanade. She was in favour of this application but considered that the roof pitches should be reconsidered. She agreed that there was a need for the extension to bring the hotel back to profitability.

Councillor Mrs A R Green supported the application.

It was proposed by Councillor R Shepherd, seconded by Councillor Mrs P Grove-Jones that consideration of this application be deferred.

The Development Manager stated that there was the possibility of an appeal against non-determination if this application were deferred. Officers, the applicant and agent shared the view that there was a need to secure the future of the building. Discussions had previously taken place with regard to the roof and the rhythm of the fenestration, but he considered that it would be acceptable to discuss it further.

The Planning Legal Manager advised the Committee to be specific as to the reasons for deferral.

Mr Smith (architect) stated that he took on board all that had been said. He explained that the design of the roof had been the result of discussions with Officers, including the former Conservation, Design and Landscape Manager. He stated that he was happy to discuss the matter.

Councillor R Reynolds stated that he would like to see the ridge running right through to achieve a balance. He also considered that the windows should be balanced with the existing windows.

Councillor Mrs V Uprichard stated that the hotel and the extension looked like two separate buildings and she considered that effort should be made to unify the frontage. She considered that amendments to the fenestration could help to achieve it.

The Development Manager stated that it appeared that Members wished to see a more harmonised roof in a more traditional form. Also, the windows on the right hand side of the front elevation should have a relationship with the rest of the building. The overarching concern was in relation to the general design in the Conservation Area. Overlooking and loss of privacy were also issues that needed further consideration during any discussions.

It was proposed by Councillor R Shepherd, seconded by Councillor Mrs P Grove-Jones and

RESOLVED unanimously

That consideration of this application be deferred for design negotiations in respect of the roof and windows and to address issues of overlooking and loss of privacy, in accordance with the views expressed by Members.

Sheringham - PF/14/0887 - Partial demolition of hotel and erection of six residential apartments and single-storey rear extension to hotel; Burlington Hotel, The Esplanade, Sheringham, NR26 8LG for McDermott

Minor Development

- Target Date: 10 October 2014

Case Officer: Miss J Medler

Full Planning Permission

This report is to provide an update to the Committee following the deferral of the above application at the meeting on 27 November 2014.

Background

This application was considered by the Development Committee on 27 November 2014 following a site visit which took place on 20 November 2014. The application was recommended for refusal on design grounds, significant harm to heritage assets and impact upon privacy and amenities of occupiers of neighbouring dwellings. A copy of the full report from the meeting of 27 November 2014 is contained in **Appendix...**

Members resolved to defer determination of the application in order for design negotiations to take place in respect of the roof and windows and to address the issues of overlooking and loss of privacy (see minutes of 27 November 2014 in **Appendix...**).

Updates

In terms of report updates amended plans have been received from the agent which alter the roof design of the proposal by following the same profile and ridge height of the existing building, and turning the small square windows on the front elevation to the lobby areas by 45 degrees so that they become square diamond shaped. The agent has also provided further supporting information explaining the amendments in detail and how they have arrived at the amendments proposed in emails dated 7 January 2015 and 14 January 2015 contained in **Appendix...**, along with the supporting information originally submitted.

Re-advertisement and re-consultation has taken place in relation to the amended plans. At the time of writing this report no representations had been received.

Sheringham Town Council accept the roof line improvements but still object to this application on the grounds that the extension is unacceptable, as it is out of keeping for this iconic building and not sympathetically designed and there should be better use of the proposed materials.

Consultation responses have been received from the Conservation, Design and Landscape Team Leader and English Heritage. These responses are contained in **Appendix....** along with their comments in relation to the scheme as originally submitted.

Appraisal

A recent site meeting has taken place between Officers, the agent and applicant in order for the agent to explain the amendments made to the proposal. This was a useful exercise. However, despite the significant time and careful consideration that has been given to this proposal by those involved, Officers remain unable to support the proposal for the reasons given in the consultation responses from Conservation and Design and English Heritage.

Whilst it is considered that some improvements have been made to the design by the alterations proposed to the roof, the majority of the comments made on the original design regarding impact and compatibility still apply. Please see consultation responses from Conservation and Design and English Heritage in **Appendix....**

English Heritage are maintaining their objection following the receipt of amended plans and re-iterate that they do not consider that the information submitted fulfills the requirements of paragraph 128 of the NPPF, which requires applicants to describe the significance of any heritage assets affected by a development including any contribution made by their setting.

In addition, in terms of overlooking and loss of privacy you will note from the agents email of 14 January 2015 (see **Appendix...**) that he is satisfied that they have addressed all aspects of potential overlooking. This is not a view shared by Officers. Whilst the agent is correct that no objections have been received from neighbouring properties the distances between properties does not comply with the amenity criteria as set out in the Design Guide. This is explained in the original Committee report, but for clarification the reason why is because an additional 3m should be added to the amenity criteria guidance for each additional storey when considering proposals for flats. There would be a shortfall in the amenity criteria of between 6 – 8m.

Officers continue to maintain support in principle for an extension to the existing building in order for funds to be raised to help maintain this important building in the Conservation Area and to improve facilities in order to allow the hotel to continue to function as a business and local employer.

However, despite some improvement to the roof design as shown on the amended plans it remains the Officer's opinion that the proposal as amended would result in an unacceptable and inappropriate form of development, would fail to preserve or enhance the character and appearance of the Conservation Area, and would have a significant detrimental impact upon the privacy and amenities of the occupiers of neighbouring dwellings.

Notwithstanding the amendments made the proposal is considered to be contrary to Development Plan policies and the requirements of the NPPF as explained in the original Committee report of 27 November 2014.

Recommendation: Refuse on the following grounds:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

SS 1 - Spatial Strategy for North Norfolk

SS 3 - Housing

EN 4 - Design

EN 8 - Protecting and enhancing the historic environment

It is the opinion of the Local Planning Authority that the proposal would result in an unacceptable and inappropriate form of development in this location.

By virtue of the design the applicant has failed to demonstrate that the proposal would not result in significant harm to the historic significance of the Burlington Hotel and the Sheringham Conservation Area.

The applicant has also failed to demonstrate that the proposal would not have a significant detrimental impact upon the privacy and amenities of the occupiers of neighbouring dwellings to the south, south west and west of the site.

The proposal is therefore considered to be contrary to the above Development Plan policies and paragraphs 128, 132 and 134 of the National Planning Policy Framework.

EXTRACT FROM DEVELOPMENT COMMITTEE MINUTES – 26 MARCH 2015

- (228) **SHERINGHAM - PF/14/0887 - Partial demolition of hotel and erection of six residential apartments and single-storey rear extension to hotel; Burlington Hotel, The Esplanade for Mr S McDermott**

All Members had been lobbied on this application.

The Committee considered item 7 of the Officers' reports.

Public Speakers

Mr L McGinn (Sheringham Town Council)
Mr B Smith (supporting)

The Development Management Team Leader presented plans and photographs of models produced by the applicant's agent to demonstrate the design amendments since the deferral of this application on 27 November 2014.

The Development Management Team Leader reported that Councillor B J Hannah and Councillor R Smith, the local Members, were unable to attend the meeting but supported the Officer's recommendation to refuse this application. Sheringham Town Council objected to the amended application.

The Development Management Team Leader stated whilst the principle of an extension was acceptable, the current proposal was recommended for refusal.

Councillor R Shepherd considered that the proposals were necessary to preserve the existing building. He did not agree with the objections of English Heritage, and referred to nearby developments which had already blighted the Conservation Area. He considered that no heritage assets would be affected by the proposed development. He considered that the proposal was an entirely acceptable form of development given the parameters of the area. He proposed approval of the application.

Councillor J Perry-Warnes seconded the proposal. He stated that Sheringham needed good accommodation and was very dependent on the holiday industry. He understood the need for the proposal and stated that it was necessary for the proposed apartments to be of good quality. He referred to the location of the building facing the North Sea.

Councillor M J M Baker stated that hotels like the Burlington were a dying breed and needed to diversify and be supported wherever possible. He had no objection to the proposal in principle, however he considered that the design was not in keeping with the existing building.

Councillor Mrs P Grove-Jones supported Councillor Shepherd's comments regarding the existing development along the Esplanade. Whilst she had reservations regarding the design of the extension, the hotel was not currently thriving and if refused, the process would have to start again. She supported the proposal.

Councillor R Reynolds stated that the amended design was better than the original, but he still had reservations with regard to the design of the windows in terms of their balance with the existing building.

Councillor P W High considered that the design was as good as could be achieved.

Councillor B Smith considered that hybrid buildings were always controversial, but he considered that the proposal worked, was interesting, and would be unique when completed.

The Development Manager stated that the objections from English Heritage related to the impact the demolition and new building would have on the Conservation Area. He read from the comments of English Heritage and gave advice on weighing the public benefits of the proposal with the harm to the heritage asset. He advised that a link between the development and the improvement or preservation of the existing building would need to be secured by a legal agreement. If the Committee were minded to approve this application he requested delegated authority to deal with this matter.

The Planning Legal Manager considered that Members who had spoken in favour of the application had weighed the issues and advised the Committee with regard to the reasons for approval.

It was proposed by Councillor R Shepherd, seconded by Councillor J Perry-Warnes and

RESOLVED by 13 votes to 0 with 1 abstention

That the Head of Planning be authorised to approve this application subject to the completion of a Section 106 Obligation to link the development to works to secure the preservation of the Burlington Hotel and subject to the imposition of appropriate conditions.

Reasons: The proposal would ensure the long term survival of the iconic hotel building in the Conservation Area.

PLANNING ISSUES WITH APPROVED DRAWINGS

1. The North Elevation as approved see attached indicates 4 No. vertical members apparently supporting the balconies, marked in blue. The section sizes indicated would not be adequate to support 5 stories of balcony. It is not clear on the approved drawing how this is intended to support the structure above.
2. In addition, the balconies are shown as cantilevered on the Eastern side which would further increase the loadings on the proposed supports.
3. Further, the indicated balcony supports above 5th floor level appear to show diagonal members, marked in green at 45 degrees of a much thinner section (possibly wires) There is no way the sections indicated would support the cantilevered 5th Floor roof overhang.
4. Also at 5th Floor level on the Eastern end of the terrace is further indicated a short vertical support marked in red with diagonal members but this vertical support seems to be have no base support and therefore not capable of providing any support to the roof.
5. The layout shown for the structure supports would lead to a cantilever of both the 5th floor balcony and 5th floor roof overhang of 3.50m from West to East and 2.00m South to North, which cannot be structurally achieved.
6. The positioning of the balcony supports is not in line with internal structural grid lines and therefore could not be tied into the main structural grid
7. The approved North Elevation as approved indicates a stone corbel at each floor level (circled red)on the North west corner of the existing building. The planning officer refers to this in his e.mail. In reality this corbel only wraps round the corner at head of first floor level. At head of ground, second and third levels this corbel finishes level with the corner. See attached original survey drawing.
8. There is a discrepancy on Lower and Upper ground floor approved plans in regards to the position of the West wall and its position to the boundary. We have taken a line to provide minimum acceptable pedestrian access.

NORTH ELEVATION – DRAWING J100 – ST - 166

1. We have revised the north elevation handrails to have the tapered edge. We have removed the vertical lattice framing which seems to serve no purpose. The vertical supports for balcony handrails remain as our structural columns which are part hidden behind the balustrade and painted RAL7016 to match the windows. We consider this far less intrusive than the lattice frames approved. It should be noted that drawing 1301/39A does appear to indicate a vertical support to the canopy overhang from U.G floor level to underside of the canopy.
2. The corner column is a structural requirement in order to support the overhanging 5th Floor canopy. The approved drawing 1301/38 indicates the canopy overhang to be approx. 3.0m x 8.00m with no support. Clearly from a structural viewpoint this is not possible. The brick cladding surrounding this column has been removed so the stone cornices on the existing building and the roof eaves detail will remain visible behind the column which will be circular and RAL 7016 painted as the windows.
3. The floor levels are dictated by the floor-to-floor minimum dimensions required. The approved drawings indicated 5 floors being placed within a dimension of 13500mm. This would have required a floor-to-floor dimension of 2700mm. Allowing for a minimum ceiling height of 2350mm this would only leave 350mm for floor build up and structural frame. This is clearly not sufficient for a 5-storey building structure. The approved drawings have not properly considered this aspect. The current design is based on a floor-to-floor dimension of 2927mm to provide 2350mm minimum ceiling height. In order to keep to this minimum, the maximum steel depth used is 368mm.
4. The Planning Officers comments regarding the cantilever balconies would be difficult to achieve with only a structural support depth of only 368mm. To resist cantilever these would likely have needed to be 500mm deep. The balconies are fully supported on the circular columns behind the handrail.
5. Our current design indicates the brick plinth to U.G. Floor level only and we would prefer it to remain this way. The Approved drawing 1301/43A shows the top of this plinth approx. mid-point in the depth of the UG. Floor entrance door.
6. The approved drawing 1301/43A states the desire to create a very strong vertical and horizontal rhythm and we feel that our drawing J100 – ST – 166 – Rev G demonstrates that principal. The changes from the Approved drawing are initiated through structural requirements not fully considered on the original drawings.
7. The entrance canopy is indicated on drawing J100 – ST - 200

WEST ELEVATION – DRAWING J100 _ ST - 151

1. The area of Trespa Cladding on this elevation has been brought forward 200mm clear of the brick slip to provide the feature as required by the Approved drawings.
2. It is unclear on the approved drawing 1301/43A what is indicated at the junction with the west elevation at roof level. Both North and West elevations at this point are brick slip so the intention is that the corner would be formed in the same material.

3. All eaves and verges on the West Elevation have been detailed to have a minimum 300 tapered overhang soffit/facia.

SOUTH ELEVATION – DRAWING J100 – ST - 165

1. The eaves line has been raised and the reasons are as noted in North Elevation – Note 3. The area between the new and existing roof on the East Elevation will be clad with brick slip cladding as the South Elevation. This particular element of cladding will be hardly visible. It should be noted that the existing rear roof slope does not have a single fall. This is indicated on drawing ST165. It changes in slope approx. 1.50m back from the rear wall so there would always have been a need to install an infill at this location. The proposed brick cladding outer face finishes 100mm behind the existing building rear corner.
2. We have removed the vertical lattice framing which seems to serve no purpose. The vertical supports for balcony handrails remain as our structural columns which are part hidden behind the balustrade and painted RAL7016 to match the windows.
3. The rear column against the existing building will be incorporated within the rear wall so will not be visible. The new brick slip will finish 100mm back from the existing brickwork. The approved plans indicate a new wall extending out to align with the outside edge of the balcony line. We have not included this in our design but could if it were essential to planning.
4. We believe the small increase in depth of the dormer windows is not detrimental to the elevation and in some ways distracts attention from the PV panels positioned on this roof slope.
5. The rear overhanging roof canopy will have a tapered facia/soffit detail as indicated on the drawing.
6. The approved drawing 1301/43A states the desire to create a very strong vertical and horizontal rhythm and we feel that our drawing J100 – ST – 166 – Rev G demonstrates that principal. The changes from the Approved drawing are initiated through structural requirements not fully considered on the original approved drawings.

Our Ref: 1648

Planning Department
North Norfolk District Council
Council Offices
Holt Road
Cromer
Norfolk
NR27 9EN

10th February 2021

Dear Sir or Madam,

Proposal: 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.

Location: Former Burlington Hotel, The Esplanade, Sheringham.

This letter is submitted in support of the above planning application which we understand is due to be considered by the Planning Committee on the 25th February 2021. Our letter is in direct response to the comments received from the Conservation Design and Landscape Officer, Chris Young (Conservation). We will respond below in turn to each of the points raised.

By way of background, we are fully aware the Planning Officer and Conservation Officer objected and recommended refusal of the previously approved scheme and in the context of the current application we can see these objections have persisted. As highlighted above, this letter seeks to provide further information and additional commentary to demonstrate that the revised scheme is acceptable and that planning permission can now be granted.

Attached at Appendix 2 is also a response from the applicant's Heritage Consultant in response to the Conservation comments which should be read in conjunction with this letter. The Heritage Consultant concludes that the amended scheme has constructively addressed several of the difficult design and practical construction issues that have arisen from the previously approved scheme in a very positive manner, and it is considered that the benefits of the scheme outweigh any perceived harm.

North Elevation

Comments have been made regarding the projection of the extension in front of the original building and the resultant hindered views of the stone dressings. As can be seen from the enclosed drawing J100-ST-202 although the aforementioned column projects forward of the existing North corner of the existing brick return it does not extend past the front line of the complete existing North façade line. The column is in line with the front feature gable wall and also behind the projecting bay windows which extend to second floor level. It is proposed that this steel section will be covered with a circular profile aluminium cover with a RAL 7016 finish to match adjoining windows. It should also be noted that this column is not visible at all from the East Elevation as shown on drawing no. J100 – ST - 203

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In relation to the eaves and cornice detail, the enclosed plan drawing J100-ST-165 Rev J & 16 Rev K has been amended to show this detailing being reinstated, rather than the previously stated retained, and also shows the bracing removed, which ensures the corner post will remain a prominent architectural feature and will be fully visible behind the post.

It is noted comments have also been made regarding the balconies and how the corner post would be supported laterally. The corner post will be tied back to the new structure by means of a similar aluminium cover profile to that of the column. This return profile will only be at new floor levels and will not interfere with the existing stone corbel features. Having discussed this with Contura Heritage Consultancy they do not consider this a major issue.

Detailed commentary has been provided by Conservation regarding the increase in the height of the attic storey. As already highlighted, the previously approved scheme was a complex proposal and due to the poor quality of the approved drawings, has resulted in extreme difficulties in interpreting and implementing the permission as approved. This has been acknowledged by the Council in their correspondence which led to the submission of this current Section 73 application. It is interesting to note that several aspects, as acknowledged by Conservation in the recent consultation responses, were approved as part of the discharge of condition application (Ref CDB/14/0887). The plans were available to the Council at that time and there were no fundamental objections raised at that point (as referenced in an email from Jo Medler on 23rd July 2020 attached at Appendix 1), only the request that the S73 application be submitted to 'capture' the variations. If the substantial objections now raised were highlighted at that point, it would have made resolution easier to achieve if there could have been clarity at that stage. This scheme seeks to incorporate the technical amendments necessary to make the original planning permission implementable and the minor variations to the design have been incorporated to allow for the structural limitations of the originally approved scheme to be addressed. The result is a scheme which is considered acceptable, responds positively to the site's prominent location and is viable both structurally and financially.

The previously approved drawings indicated 5 storeys over a total height of 13.593m. This would require a floor-to-floor dimension of 2718mm. The minimum floor to ceiling height allowed is 2350mm which would leave only 368mm in which to fit structural steel, floor slab, floor screed and services, which would not be possible. This was clearly not considered when the approved scheme was submitted, and this application seeks to rectify the structural limitations of the previously approved scheme.

It is noted comments have been made regarding the removal of the lattice vertical supports and that these would provide valuable support as well as contributing to visually interest, depth and quality of the elevation as a whole. These concerns have been taken on board and whilst they are a purely cosmetic feature in the updated design, our clients are keen to accommodate the request by Conservation and attached plan J100-ST-165 Rev J & 166 Rev K which shows them reinstated on the elevations.

West Elevation

We welcome the positive comments from Conservation regarding our amendment showing the Trespa cladding being pulled 200mm out from the face of the brick slips. We acknowledge that this would provide relief and a shadow line between the two materials on this elevation. We can advise that the Trespa cladding

will project 200mm forward of the brick slip on an extended rainscreen bracket system. At its junction, the Trespa will be returned 200mm to the face of the brick slip.

In terms of the comments made regarding the eaves and verges having a minimum 300mm overhang, please find enclosed amended drawing J100-ST-166- Rev K which further highlight this feature on the West elevation. Hopefully, this now avoids any uncertainty in this regard.

It is noted comments have been made regarding the second chimney on this elevation and we can advise that the approved drawings of permission PF/14/0887, in particular drawing 041A allowed for the demolition of the rear secondary chimney (west elevation) and which has been removed. Therefore, there is no proposal to reinstate this chimney, particularly in light of the structural difficulties to reinstate the chimney and the fact its removal was agreed as part of the previous approval.

South Elevation

It is noted comments have been made regarding the two roof pitches, which Conservation considers results in a less than comfortable co-existence. As previously highlighted, the existing rear roof pitch consists of two different existing slopes, which means there has always been a requirement for a brick slip return to the existing roof. The difference in the roof slope was not shown on the originally approved plans in error, and therefore was not taken into consideration in the design of the previously approved scheme. It should also be noted that the rear south eaves line is 300mm lower than the north elevation. The current application seeks to address this previous errata and proposes a solution which takes into consideration the two roof pitches and different slopes, ensuring the proposed extension can adjoin the existing building in an acceptable manner, both structurally and visually. The attached photo shows there are 2 different roof slopes to the existing, adjacent to the new build.

It is also noted a new setting out plan above the third floor was requested and this has now been provided – please see drawing no.J100 – ST – 155 Rev E.

There have been comments made by Conservation regarding the dormer on this elevation, having reviewed this matter further it has become apparent that the original approved drawing No. 41A has significant errors. There are no dimensions shown on this drawing but using comparative scaling the dimension scaled from the head of 4th floor window to the head of dormer window shows approx. 4.30m (this dimension on North Elevation is 2.75m.). Also the ridge to eaves on the South elevation scales over 8.00m when in reality it is actually 6.00m. It should be noted the proposed dormer roof level is 1.70m from the ridge and the approved drawing scales the same dimension. Therefore the applicant remains of the view that the proposed dormer window is acceptable and would not be detrimental to this elevation and would not result in any significant harm to the design ethos of the scheme or materially impact on the character and appearance of the conservation area.

Comments have been made regarding the removal of the vertical lattice framing and that this is a retrograde move. Again, our clients have taken these concerns on board and the attached revised drawings J100-SR-165 Rev J & 166 Rev K shows the lattice framing reinstated.

As can be seen from the detailed issues highlighted above due to the poor quality of the previously approved drawings, the applicant would have extreme difficulties in implementing the existing permission. The previously approved drawings have not been thought through in relation to the practicalities of the proposed building and its construction. This application seeks to vary condition 2 to allow the building to be erected according to a design which allows for the structural limitations of the originally approved scheme to be addressed and produces a scheme which is viable both structurally and financially. As highlighted within the supporting Planning Statement, the amended plans show a slightly more conservative design but a proposal that remains considerate to the streetscene in terms of elevational treatment, materials, and architectural features, all in context of the site's prominent location.

Overview

The site is located within the development boundary of Sheringham, there can be no argument that the scheme will make a demonstrably positive contribution in bolstering the Council's housing supply and would make efficient and effective use of a sustainably located site. The Council state they can currently demonstrate a five year supply of housing; however, the five year housing land supply is a minimum number of homes to be planned for and not a maximum allowance. Irrespective, there is currently debate as to whether the Council can demonstrate a five year housing land supply, which is being debated as part of an appeal by Gladman Developments Ltd Reference APP/Y2620/W/20/3248468 on land off Beresford Road, Holt, NR25 6EW, where the arguments range from a supply of 4.06 years to 5.52 years. It should also be acknowledged that the Council's supply and delivery of housing within the District will also be impacted on by the current COVID-19 pandemic and therefore further weight should be given to the provision of residential units within sustainable locations such as this.

This letter, in conjunction with previous correspondence and supporting Planning Statement, clearly highlights the benefits of this scheme and how the amendments provide an implementable scheme which is sensitive to its location, to the adjacent former hotel building and to Sheringham Conservation Area. The proposal would help to bolster the District's housing supply and it is considered the proposal makes efficient use of a sustainably located site and provides clear economic, social and environmental benefits and therefore should be supported.

Whilst the current application relates to the construction of six flats, it is clearly linked to the overall re-development and re-use of the former Burlington Hotel and ensures the most efficient use of the site whilst respecting its location. Without a scheme that can be developed practically there is a risk that the site as a whole, including the former Burlington Hotel would fall into a further state of disrepair. If that were to occur, the site would remain undeveloped which would impact on this non-designated heritage asset as well as the character and appearance of the conservation area. The proposal seeks to provide an acceptable development on the site which can viably be constructed, and which ensures the long-term re-use of the site and the former Burlington Hotel.

Conclusion

As outlined above, the applicant has addressed many of the issues raised during the course of the application and most recently within the response from Conservation. The previously approved drawings have not been thought through in relation to the practicalities of the proposed building, a fact well known to the Council, and

previously questioned by Officers. This application to vary condition 2 will allow the building to be erected according to a design which allows for the structural limitations of the originally approved scheme without causing any material harm to the site or its surroundings.

The revised scheme is considered to take full account of its sensitive location and will ensure the long-term re-use of the site and the former Burlington Hotel and therefore should be supported. In conclusion, the proposal is considered to provide an acceptable form of development in planning terms and is considered to comply with the Local Plan and the NPPF.

We trust that the further information and additional commentary provided within and appended to this letter demonstrate that the scheme is acceptable and that planning permission can now be granted.

Yours sincerely,



Debi Sherman BA (Hons) MA MRTPI MILM
Head of Planning
One Planning Ltd

Agenda Item 9

APPEALS SECTION

(a) NEW APPEALS

AYLMERTON – PF/20/0691 - Discontinuation of use of land for aggregate recycling and erection of a single self-build detached dwelling with garage, and ecological improvements; Highfield Aggregates And Recyling, Church Road, Aylmerton NR11 8PZ for Mr Scott Wells

INFORMAL HEARING

BRISTON - PF/19/1567 - Change of use of land for the stationing of 9 no. caravans for residential use; Land North Of Mill Road, Briston for Mr David O'Connor

INFORMAL HEARING

FAKENHAM - PF/20/1510 - Single storey side extension; 52 Salmons Way, Fakenham NR21 8NG for Mr & Mrs Aldridge

FAST TRACK HOUSEHOLDER

HICKLING - PF/20/1230 - Construction of a two-storey outbuilding to be used as ancillary to Marsh Cottage to allow for domestic garage and storage area at ground level and a two-bed apartment at first floor; construction of a new access/driveway off of Pockthorpe Loke and hardstanding around part of the outbuilding; Marsh Cottage, Pockthorpe Loke, Hickling, Norwich NR12 0BX for Mr S Lambard

FAST TRACK HOUSEHOLDER

STALHAM - PF/20/1073 - Single storey detached dwelling and garage; Land At Lucinda House, Moor Lane, The Green, Stalham, Norwich NR12 9QD for Mrs Linda Fiske

WRITTEN REPRESENTTION

TATTERSETT – PF/20/1529 - Construction of two storey side and single storey rear extensions; 7A Blenheim Road, Sculthorpe, Fakenham NR21 7PT for Mr & Mrs Connolly

FAST TRACK HOUSEHOLDER

(b) INQUIRIES AND HEARINGS – PROGRESS

HOLT - PO/18/1857 - Outline planning application for the erection of up to 110 dwellings with associated infrastructure to service 2 hectares of land potentially for a new Two Form Entry (2FE) primary school, public open space, landscaping and sustainable drainage system (SuDS) with main vehicular access point from Beresford Road and secondary pedestrian, cycle and emergency access from Lodge Close. All matters reserved except for means of access; Land off Beresford Road, Holt for Gladman Developments Ltd

PUBLIC INQUIRY 20 October 2020

CLEY-NEXT-THE-SEA - ENF/18/0164 - Alleged further amendments to an unlawful dwelling; Arcady, Holt Road, Cley-next-the-Sea, Holt, NR25 7TU for Mr Adam Spiegal

VIRTUAL INFORMAL HEARING 08 February 2021 – Deferred until after 31 March 2021

ITTERINGHAM - ENF/17/0006 / CL/19/0756 - Annex which has permission for holiday let is being used for full residential purposes; The Muster, Land adjoining Robin Farm, The Street, Itteringham, Norwich, NR11 7AX for Mr E Goodman

VIRTUAL PUBLIC INQUIRY 08 March 2021

NORTH WALSHAM - ENF/18/0339 - Material change of use of the land for stationing of containers and jet washing of coaches, and a breach of condition as coaches are stored and manoeuvred outside the area details in the planning permission 02/0013; Bluebird Container Storage, Laundry Loke, North Walsham, NR28 0BD for Mr John Silk, Bluebird Commercial Properties Ltd

VIRTUAL PUBLIC INQUIRY 25 January 2021 – to be Re-Scheduled – Awaiting Dates

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

BLAKENEY – PF/20/0614 - Subdivision of single dwelling to form two dwellings including replacement white PVC doors and windows throughout and erection of a detached double garage/cartshed for each dwelling, and conversion of existing detached garage to habitable space for proposed 'Dwelling 2'; Galley Hill House, Langham Road, Blakeney, Holt NR25 7PR for J Bunn Homes Ltd
WRITTEN REPRESENTATION

CORPUSTY & SAXTHORPE - PU/20/0398 - Application to determine if prior approval is required for change of use of agricultural building to a dwellinghouse (Class C3) and for associated building operations; Barn At Valley Farm, Wood Dalling Road, Corpusty, Norwich NR11 6QW for Mr George Craig
WRITTEN REPRESENTATION

EDGEFIELD – PF/20/0761 - Erection of two storey front and side extension, new dormer to first floor West elevation and internal alterations; Stonehaven, Ramsgate Street, Edgefield, Melton Constable NR24 2AX for Mr And Mrs Andrew and Lesley Rainsford
WRITTEN REPRESENTATION

HICKLING – PF/20/0760 - Construction of single and two-storey side and rear extensions including first floor balcony with external staircase and construction of new permeable driveway; Marsh Cottage, Pockthorpe Loke, Hickling, Norwich, NR12 0BX for Mr Lambard
WRITTEN REPRESENTATION – FAST TRACK

HIGH KELLING - ENF/16/0131 - Alleged Unauthorised Development and Recreational Activity; Holt Woodland Archery, Cromer Road, High Kelling for Mr Jonathan Hancock
WRITTEN REPRESENTATION

NORTH WALSHAM – PO/20/1081 - Detached two storey dwelling - Outline application for access & layout (all other matters reserved); 52 Aylsham Road, North Walsham, NR28 0BL for Mr John Smith
WRITTEN REPRESENTATION

WIVETON - PF/19/0856 - Retention of an electronic communications base station without removing the existing 12.5m high monopole mast and attached transmission dish (as required by condition 5 of prior approval ref. no. PA/17/0681); Telephone Exchange, Hall Lane, Wiveton for Arqiva Limited
WRITTEN REPRESENTATION – JOINT WITH ENF/18/0061

WIVETON - ENF/18/0061 - Works not in accordance of permission- Telecommunications monopole not removed.; Telephone Exchange, Hall Lane, Wiveton for Arqiva Limited
WRITTEN REPRESENTATION – LEAD APPEAL

(d) **APPEAL DECISIONS - RESULTS AND SUMMARIES**

BLAKENEY – PF/20/0564 - Erection of one and a half storey detached dwelling (part retrospective) 8 Langham Road, Blakeney, Holt, NR25 7PG for Mr & Mrs Ingham
APPEAL DISMISSED

MUNDESLEY – PF/20/0830 - Subdivision of land and construction of two storey dwelling with associated access; 49 Northfield Road, Munesley, Norwich, NR11 8JN for Mrs Ship
APPEAL DISMISSED

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

No change from previous report.

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