

SHERINGHAM - RV/21/2885 – Variation of Condition 2 of planning ref: PF/18/1603 to enable merger of Unit 0.2 (A3/A5) and Unit 0.3 (A3) to form Unit 0.2 A3/A5 Use; amendment to Unit 1.2 (A3) to form two Units - Unit 1.2 (C3 residential) and Unit 1.3 (C3 residential) at 1 High Street, Sheringham, Norfolk

Minor Development

Target Date: 17.03.2022

Extension of Time: 25.03.2022

Case Officer: Phillip Rowson

Full Planning Permission (Section 73 - Variation of condition)

RELEVANT SITE CONSTRAINTS

- Within Sheringham Settlement Boundary as designated within the North Norfolk Core Strategy
- Within Sheringham Town Centre as designated within the North Norfolk Core Strategy
- Adjacent to Sheringham Public Realm as designated within the North Norfolk Core Strategy
- Within Sheringham Conservation Area as designated December 2012
- Within the Coastal Shelf Landscape Character Area as designated within the North Norfolk Landscape Character Assessment

RELEVANT PLANNING HISTORY

1. RV/21/2923

Variation of Condition 2 (approved plans, details, and specifications) of planning ref: PF/18/1603 to change of use from restaurant to residential on the first floor
Withdrawn 03.11.2021

2. RV/21/2886

Removal of Condition 3 (within and not more than 34 weeks from the start of demolition of the existing building a final contract for the site's redevelopment, which indicates a start date for the commencement of the development on site, together with the anticipated programme for sites redevelopment) of planning ref: PF/18/1603
Pending Consideration

3. PF/19/0737

Demolition of existing building and erection of a four-storey mixed use building. Unit 0.1: A1/A3 (Shop/Restaurant), Unit 0.2: A3/A5 (Restaurant/Hot food takeaway), Units 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1 & 3.2: C3 (Residential - 8 flats)
Withdrawn 20.06.2019

4. CDA/18/1603

Discharge of conditions 4 (site hoarding), 6 (environmental management plan), 9 (site parking), 10 (construction management plan & access) 12 (Surface Water Disposal) of planning permission PF/18/1603
Condition Discharged 03.04.2020

5. PF/18/1603

Variation of Condition 2 and 3 of planning permission PF/17/0192 to allow a change of use of Unit 0.2 from A3/A1 (Restaurant/Shop) to A3/A5 (Restaurant/Hot food and Takeaway) and the demolition of existing building prior to submission of details of the construction contract
Approved 18.10.2018

6. PF/18/1491

Variation of Condition 2 of planning permission PF/17/0192 to allow a change of use of Unit 0.2 from A3/A1 (Restaurant/Shop) to A3/A5 (Restaurant/Hot food and Takeaway)

Withdrawn 18.10.2018

7. PF/17/0468

Demolition of existing hotel and erection of mixed use building comprising 10 dwellings (Use Class C3) and 4 commercial units (Use Class A1/A2/A3/ A4/A5) with associated parking and highways works

Approved 06.02.2018

8. PF/17/0192

Demolition of existing building and erection of four a storey mixed use building. Unit 0.1 : A3/A1 (Restaurant/Shop). Unit 0.2 : A3/A1 (Restaurant/Shop). Unit 0.3 : A3 (Restaurant). Unit 1.1 : C3 (Residential). Unit 1.2 : A3 (Restaurant). Unit 2.1/Unit 2.2/Unit 2.3/Unit 3.1/Unit 3.2 : C3 (Residential)

Approved 25.10.2017

THE APPLICATION

Site description:

The application site is situated within Sheringham town centre and designated Conservation Area. Located at the corner of High Street and East Cliff, the plot of land was previously occupied by a three-storey late Victorian or early Edwardian building known formerly as the Shannoeks Hotel and a small length of footpath which provides pedestrian access between the rear of the building and Gun Street and High Street. The site occupies a prominent position on Sheringham's seafront facing the Promenade and the beach. The Chequers public car park lies directly east of the application site. Demolition works of the former Shannoeks Hotel have been completed in 2021 and the site remains currently vacant.

Proposal:

This application seeks permission for the variation of condition 2 of application PF/18/1603 in order to amend the approved plans. The proposed development would comprise of a change of use of the approved first-floor restaurant (class A3) to two additional flats (class C3), bringing the total number of flats to eight (class C3). Additionally, the proposals seek the merger of units 0.2 (restaurant/hot food and takeaway) under class A3/A5 and unit 0.3 (restaurant) under class A3 into one larger unit 0.2 (restaurant/hot food and takeaway) under class A3/A5. Externally, the proposal comprises of minor material design alterations to the envelop of the building. These design alterations involve the insertion of two balconies on the first floor of the North Elevation (serving dwelling units 1.2 and 1.3) and one bedroom window and balcony on the first floor of the South Elevation (serving dwelling unit 1.3).

REASONS FOR REFERRAL TO COMMITTEE

Councillor Liz Withington: The proposed changes to the ground floor layout and design, and the inserting of a larger Hot Food Takeaway contravene Policy EN4 of the Core Strategy. The large Hot Food Takeaway would not be in keeping with other Hot Food Takeaways in the town. Most retailers and food outlets operating within the Sheringham Conservation Area do so from single sized units. The nature of Sheringham High Street with its smaller single independent units encourages and supports independent retailers. The independent nature of

Sheringham Town Centre is its greatest strength. Sheringham Town Council have also commented that the proposed changes on the first floor from restaurant to residential units are disappointing. Preference lies in the retention of the sea view restaurant with its unique selling feature, serving as a destination asset to tourists and locals alike.

CONSULTATIONS

Sheringham Town Council: Objects to the proposal.

Objects on the grounds that the proposed changes to the ground floor layout and design, and the inserting of a larger Hot Food Takeaway, which the Council determines to contravene Policy EN4 of the Local Plan. The large Hot Food Takeaway would not be in keeping with other Hot Food Takeaways in the town. Most retailers and food outlets operating within the Sheringham Conservation Area do so from single sized units. The nature of Sheringham High Street with its smaller single units encourages and supports independent retailers. A larger unit with its associated on costs may only be viable when operated by a retail chain. Furthermore, the proposed changes on the first floor from a restaurant to residential units are disappointing. The Council would prefer the retention of the sea view restaurant with its unique selling feature, serving as a destination asset to tourists and locals alike.

County Council Highways (Cromer): No Objection

Given this proposal does not affect the current traffic patterns or the free flow of traffic, Norfolk County Council does not wish to resist grant of consent.

Conservation and Design Officer: No Objection

No sustainable objections to this application as the proposed internal alterations and the revised mix of uses would not materially affect the overall significance of the Sheringham Conservation Area, and the risk of the site laying undeveloped for a prolonged period is obviated by the parallel Compulsory Purchase Order (CPO) process.

Environmental Health: No objection

REPRESENTATIONS:

Public consultation of the application took place for a period of 21 days between 12.11.2021 to 03.12.2021. To date, no representations have been received.

HUMAN RIGHTS IMPLICATIONS

Art. 8: The right to respect for private and family life.

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

Having considered the above matters, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

STANDING DUTIES

Due regard has been given to the following duties:

Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)
The Conservation of Habitats and Species Regulations 2010 (R9)
Planning Act 2008 (S183)
Human Rights Act 1998
Rights into UK Law – Art. 8 – Right to Respect for Private and Family Life
Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

RELEVANT POLICIES

North Norfolk Core Strategy (September 2008):

Policy SS 1: Spatial Strategy for North Norfolk
Policy SS 3: Housing
Policy SS 4: Environment
Policy SS 5: Economy
Policy SS 6: Access and Infrastructure
Policy SS 12: Sheringham
Policy HO 1: Dwelling Mix and Type
Policy HO 2: Provision of Affordable Housing
Policy HO 7: Making the Most Efficient Use of Land (Housing Density)
Policy EN 2: Protection and Enhancement of Landscape and Settlement Character
Policy EN 4: Design
Policy EN 6: Sustainable Construction and Energy Efficiency
Policy EN 8: Protecting and Enhancing the Historic Environment
Policy EN 10: Development and Flood Risk
Policy EN 13: Pollution and Hazard Prevention and Minimisation
Policy EC 5: Location of Retail and Commercial Leisure Development
Policy CT 2: Developer Contributions
Policy CT 5: The Transport Impact of New Development
Policy CT 6: Parking Provision

Material Considerations:

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide (December 2008)
North Norfolk Landscape Character Assessment (January 2021)
North Norfolk Landscape Sensitivity Assessment (January 2021)
Retail and Main Town Centre Uses Study (March 2017)

National Planning Policy Framework (July 2021)

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 5: Delivering a sufficient supply of homes
Chapter 6: Building a strong, competitive economy
Chapter 7: Ensuring the vitality of town centres
Chapter 8: Promoting healthy and safe communities
Chapter 9: Promoting sustainable transport
Chapter 11: Making effective use of land
Chapter 12: Achieving well-designed places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 15: Conserving and enhancing the natural environment
Chapter 16: Conserving and enhancing the historic environment

OFFICER ASSESSMENT

Main Issues:

- 1. Principle**
- 2. Dwelling Mix and Type**
- 3. Provision of Affordable Housing**
- 4. Landscape and Settlement Character**
- 5. Design**
- 6. Residential Amenity**
- 7. Historic Environment**
- 8. Pollution and Hazard Prevention and Minimisation**
- 9. Location of Retail and Commercial Leisure Development**
- 10. Highways:**
- 11. Other material planning considerations**
- 12. Conclusion**

1. Principle: Policies SS 1, SS 5, and SS 12

The site lies in Sheringham, which is defined as a Secondary Settlement and small-town centre under Policies SS 1 and SS 5 of the Core Strategy. Policy SS 1 sets out that a more limited amount of additional development will be accommodated in areas defined as Secondary Settlements where a broad range of shopping, commercial, cultural, and other uses will be supported in small town centres under Policy SS 5. Furthermore, residential proposals will be permitted where they do not result in the loss of shops or other main town centre uses located within a defined Primary Shopping Area. A retail hierarchy guides decisions on the scale of new retail and leisure development that will be permitted in small town centres, limiting proposals for large scale developments to those that meet a local need and support the role of the small-town centre as a visitor and tourist destination.

Paragraph 81 of the National Planning Policy Framework (the Framework) requires that planning decisions should help create the conditions in which business can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. Paragraph 86(f) of the Framework sets out that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation. As a result, planning policies should recognise that residential development often plays a significant role in ensuring the vitality of centres and encourage residential development on appropriate sites.

Planning permissions PF/17/0192 and PF/18/1603 granted on 25 October 2017 and 18 October 2018 respectively, allowed the erection of six flats (Class C3 Units) distributed across three floors and shops, restaurants, and hot food takeaway (Class A1/A3/A5 Units) spread across three units on the ground floor and one unit on the first floor. The current application RV/21/2885 proposes the variation of condition 2 (approved plans) of planning permission PF/18/1603 for the change of use of the first-floor restaurant (Class A3 Unit) to two additional flats (Class C3 Units), bringing the total number of flats to eight (Class C3 Units) and the merger of the approved Units 0.2 (Restaurant/Hot Food and Takeaway) under Class A3/A5 and 0.3 (Restaurant) under Class A3 into one larger Unit 0.2 (Restaurant/Hot Food and Takeaway) under Class A3/A5.

In the North Norfolk Retail and Main Town Centres Uses Study (March 2017) prepared by Lichfield's it is argued that the provision of Class A3/A5 is particularly strong in Sheringham, reflecting the role of the centre as a tourist destination. Given the competing pressures for

retail and non-retail uses and the low vacancy rates, a balance between Class A1 and Class A3 to A5 uses needs to be maintained to ensure centres continue to fulfil their current roles.

The scheme brought forward with this application in the form of a mix use development comprising of flats, shops, restaurants, and takeaway uses within Sheringham Secondary Settlement, is supported by Policy SS 1. Furthermore, given the proposal is located outside the Primary Shopping Area of Sheringham, the loss of the first-floor restaurant to a residential use is not prohibited by policy and would help support the ongoing vitality of the town centre in line with the requirements of Policy SS 5 and paragraph 81 of the Framework. Furthermore, by virtue that the proposal provides for a range of small shop uses from Class A1, A3, and A5, which are considered to meet a local need in supporting the role of the Sheringham town centre as a tourist destination, the proposal complies with the requirements of Policy SS 12. For the reasons given above, the scheme is acceptable under Policies SS 1, SS 5, SS 12, paragraphs 81 and 86(f) of the Framework, and therefore is acceptable in principle.

The principle of development was established under previous planning permission PF/17/0192 granted on 25 October 2017. Subsequently, application PF/18/1603 for the variation of conditions 2 and 3 of planning permission PF/17/0192 was granted planning permission in 18 October 2018, which remains extant to the present day and can be implemented if required.

2. Dwelling Mix and Type: Policy HO 1

Policy HO 1 seeks that on schemes of five or more dwellings, at least 40% of the total number of dwellings shall comprise of not more than 70sqm of internal floor space and incorporate two bedrooms or fewer; and on schemes of five or more dwellings, at least 20% of dwellings shall be suitable or easily adaptable for occupation by the elderly, infirm or disabled.

The scheme comprises of eight flats distributed across three floors. Three of those flats have two bedrooms and 75sqm of internal floor space. The remaining five flats, four of those comprise of one bedroom and have 52sqm of internal floor space, and the remaining flat comprises of two bedrooms and an internal floor space of 65sqm. The flats are wheelchair accessible from ground floor level and the communal areas provide for unobstructed wheelchair turning spaces and disabled refuses. As a result, it has been concluded that 62.5% of dwellings comply with criteria 1 and 100% of the dwellings comply with criteria 2 of Policy HO 1.

For the reasons stated above, it is considered the proposal complies with the requirements set out in Policy HO 1.

3. Provision of Affordable Housing: Policy HO 2

Policy HO 2 highlights that planning permission for the erection of new dwellings will be permitted provided that, where it is viable to do so, not less than 45% of the total number of dwellings proposed are affordable on all schemes of 10 or more dwellings in Secondary Settlements.

Paragraph 64 of the Framework sets out that provision of affordable housing should not be sought for residential developments that are not major developments.

Given that the proposal comprises of eight dwellings within a Secondary Settlement, and it is not considered a major development, it falls below the threshold set out under Policy HO 2

and the requirements of paragraph 64 of the Framework. On that basis, the provision of affordable housing is not required.

4. Landscape and Settlement Character: Policy EN 2

Policy EN 2 sets out that proposals should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment (January 2021). Development proposals should demonstrate that their location, scale, design, and materials would protect, conserve, and, where possible, enhance the special qualities and local distinctiveness of the area, the distinctive settlement character and seascape and the setting of, and views from Conservation Areas.

The site lies within the Coastal Shelf Landscape Character Area as designated within the North Norfolk Landscape Character Assessment (January 2021) (LCA). This landscape is characterised by a coastal strip of land, around 12 miles in length yet only 1 mile deep, which incorporates some of the district's principal settlements, sandwiched between the Cromer Ridge and the sea. Settlement is nestled within pockets of arable farmland and woodland, some of which are markedly rural and unspoilt. The presence of the historic holiday towns of Sheringham and Cromer, combined with the sandy beaches and frequent cliffs along the coast, creates a strong focus for tourism. The Landscape strategy and guidelines for the Coastal Shelf Landscape Character Area advises that the character of settlements should be conserved and enhanced by ensuring that new development responds to historic built form and the traditional vernacular style and materials.

The proposals scale, design, and materials have been previously approved under applications PF/17/0192 and PF/18/1603. The current revised scheme under consideration through application RV/21/2885 comprises of minor external design alterations to the South and North Elevations of the building to accommodate three balconies and one window. On the basis that the principle of the scale, design, and materials have been approved under previous applications and the current scheme only seeks minor external design alterations, Officers consider the proposal would not give rise to significant landscape concerns. As such, it complies with Policy EN 2.

5. Design: Policy EN 4

Policy EN 4 requires that all development should be designed to a high quality, reinforcing local distinctiveness, be expected to be suitably designed for the context within which they are set, and ensure that the scale and massing of buildings relate sympathetically to the surrounding area. Moreover, paragraph 130 of the Framework sets out that developments should be sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change and optimise the potential of the site to accommodate and sustain an appropriate amount of mix development.

The design alterations involve the insertion of two balconies on the first floor of the North Elevation (serving dwelling units 1.2 and 1.3) and one bedroom window and balcony on the first floor of the South Elevation (serving dwelling unit 1.3).

Objections have been raised by Sheringham Town Council on the grounds that the proposed changes to the ground floor layout and design, and the potential insertion of a larger Hot Food Takeaway would contravene Policy EN 4. Furthermore, it has been argued that a large Hot Food Takeaway would not be in keeping with other Hot Food Takeaways in the town. Most retailers and food outlets operating within the Sheringham Conservation Area do so from

single sized units. The nature of Sheringham High Street with its smaller units encourages and supports independent retailers. A larger unit with its associated cost may only be viable when operated by a retail chain. Finally, Sheringham Town Council commented that the proposed changes on the first floor from restaurant to residential units are disappointing. Preference lies in the retention of the sea view restaurant with its unique selling feature, serving as a destination asset to tourists and locals alike.

Whilst the proposed ground floor layout could accommodate a larger retail unit of Hot Food Takeaway comprising of 110sq.m, its size is not dissimilar to numerous examples of other retail units along the High Street. There is also no guarantee that the unit would be occupied by a fast food retailer, as the application seeks both an A3 (restaurant) and A5 (takeaway) use. Paragraph 130 of the Framework states that developments should not prevent or discourage change and sustain an appropriate amount of mix development. Furthermore, Policy EN 4 expects that proposals contain a variety and mix of uses. The proposal provides a different offer in terms of layout and use in relation to those approved under planning permissions PF/17/0192 and PF/18/1603. However, given that the West and North Elevations of the proposed ground floor appear compartmentalised into single units, and there is no change in the exterior design of the proposal on the ground floor from that previous approved under applications PF/17/0192 and PF/18/1603, it is considered that refusing this current scheme on size, layout, and design alone could not be substantiated.

Officers appreciate Sheringham Town Council's disappointment in relation to the change of use of the first-floor restaurant (A3 Unit) to two flats (C3 Units). However, the Government's Planning Practice Guidance sets out that residential development can play a significant role in ensuring the vitality of town centres, giving communities easier access to a range of services. Furthermore, under Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) (former Class A3) to a use falling within Class C3 (dwellinghouses) is permitted development. Consequently, this element of the proposals would not justify refusal.

For the reasons stated above, Officers considered the proposal would not give rise to significant design concerns. Therefore, it complies with Policy EN 4 and paragraph 130 of the Framework.

6. Residential Amenity: Policy EN 4

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide acceptable residential amenity. Furthermore, paragraph 3.3.10 of the Design Guide sets out that the position of dwellings, and the arrangement of their rooms and windows, should not create significant overlooking of other dwelling windows or private garden areas, nor should they lead to any overbearing impacts upon existing dwellings. As such, regards should be given to recommended distances in the case of conventional single and two-storey dwellings (assuming a level site situation) to ensure a degree of privacy between adjacent properties.

The proposal involves the replacement of the first-floor South Elevation blank wall with one balcony serving bedroom 1 and one window serving bedroom 2. The separation distance between the window and balcony and the rear of the cottages along Gun Street is 22m. The Design Guide sets out that the recommended distances to ensure a degree of privacy between adjacent properties is 15m and in the case of larger buildings such as blocks of flats, these distances should be increased by 3m for each additional storey. In this instance, the proposed alterations occur at first floor level and as such, the recommended distances are set out to be

18m. As a result, it is considered the scheme exceeds the recommended distances in the Design Guide by approximately 4m.

Moreover, the proposal seeks to replace the restaurant located at first floor level approved under planning permissions PF/17/0192 and PF/18/1603 with two flats. The one-bedroom flat facing High Street lies 8m opposite The Two Lifeboats Hotel. Whilst the proposal falls 10m short of the residential amenity criteria requirement, there will be a dramatic decrease in footfall of such space, as it will have a private use in contrast with that of the restaurant approved under previous planning permissions. On balance, it is considered that the revised scheme complies with the requirements of Policy EN 4 of the Core Strategy and the criteria set out in paragraph 3.3.10 of the Design Guide.

7. Historic Environment: Policy EN 8

Policy EN 8 requires that proposals should preserve or enhance the character and appearance of designated assets and their settings through high quality, sensitive design. Development that would have an adverse impact on their special historic or architectural interest will not be permitted. Paragraph 206 of the Framework sets out that local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The site is situated in the northern boundary of Sheringham Conservation Area, which is an area of special architectural and historic interest, the character or appearance of which it is desirable to preserve or enhance as defined by the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal comprises of minor material design alterations to the external envelop of the building, in relation to previously approved scheme's under planning permissions PF/17/0192 and PF/18/1603. These design alterations involve the insertion of two balconies on the first floor of the North Elevation (serving units 1.2 and 1.3) and one bedroom window and balcony on the first floor of the South Elevation (serving unit 1.3).

The Conservation and Design Officer is of the opinion that no sustainable objection can be raised due to the fact the proposed internal alterations and the revised mix of uses would not materially affect the overall significance of the Sheringham Conservation Area, and the risk of the site laying undeveloped for a prolonged period is obviated by the parallel Compulsory Purchase Order (CPO) process.

Based on the evidence provided above, Officers consider that the proposal would preserve the character and appearance of the designated heritage asset and therefore would not have an adverse impact on its special historic or architectural interest. As a result, the scheme complies with Policy EN 8 and paragraph 206 of the Framework.

8. Pollution and Hazard Prevention and Minimisation: Policy EN 13

Policy EN 13 sets out the requirements for all development to minimise, and where possible reduce all emissions and other forms of pollution, including light and noise pollution. Proposals will only be permitted where, individually, or cumulatively there are no unacceptable impacts on the natural environment and general amenity, health, and safety of the public and air quality. Paragraph 185 of the Framework requires that local planning authorities ensure that new development is appropriate for its location considering the effects (including cumulative effects) of pollution on health, living conditions, and the natural environment.

The Environmental Protection Officer has considered the information submitted with the application and has no concerns. On that basis, Officers consider that the proposal complies with the requirements of Policy EN 13 and paragraph 185 of the Framework.

9. Location of Retail and Commercial Leisure Development: Policy EC 5

Policy EC 5 states that new retail proposals in Secondary Settlements will be permitted, provided that the net sale area of the retail unit is less than 500sqm and is within the development boundary on the best sequentially available site, this being the town centre. This policy approach is concerned with ensuring that significant proposals for retail developments on unallocated site are focused on North Norfolk's eight town centres, thereby helping to maintain and enhance the vitality and viability of the town centres and minimise the need to travel. Paragraph 86 of the Framework seeks that policies and decisions should promote the long-term vitality and viability of town centres by allowing them to grow and diversify in a way that can respond to rapid changes in the retail industries and allow a suitable mix of uses (including housing) and reflects their distinctive characters.

The proposed loss of the first-floor restaurant and the merger of the ground floor units would result in the reduction of retail net sale areas from approximately 284sq.m to 154sq.m. Under section 5 of the application form the applicant has argued that the change of use from a restaurant to residential use on the first floor will enhance the development profitability and reduce the development's risk profile particularly considering the Covid-19 pandemic and the ongoing risk to hospitality businesses.

There would be a loss of 130sq.m in net sales area from that previously approved due to the proposed change of use of the first-floor restaurant to two additional flats. The 284sq.m currently proposed of net sales area would remain below the 500sq.m threshold set out under Policy EC 5 and it is also recognised that retail development have previously been approved at this site, including that which remains extant. On that basis, the scheme is considered compliant with the requirements of Policy EC 5 and therefore promotes the long-term vitality and viability of Sheringham town centre in accordance with paragraph 86 of the Framework.

10. Highways: Policies CT 5, and CT 6

Policy CT 5 sets out that proposals should provide for safe and convenient access on foot, cycle, public, and private transport addressing the needs of all without detriment to the amenity or character of the surrounding area or highway safety. Policy CT 6 requires that adequate vehicle/cycle parking should be made in accordance with the Council's parking standards. In exceptional circumstances, the application of these standards may be varied if reduced provision would enhance the character of Conservation Areas in town centres. Paragraph 105 of the Framework requires that significant development should be focused on location, which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes to reduce congestion and emissions and improve air quality and public health.

Planning permissions PF/17/0192 and PF/18/1603 for the development of the mix used building were granted with no car/cycling parking spaces on the basis that according to paragraph C.2 of Appendix C: Parking Standards of North Norfolk Core Strategy in town centres where there is sufficient local services and access to acceptable level of public transport, a reduction in the standard parking requirements for residential uses may be considered. Furthermore, a reduced provision may also be appropriate in Conservation Areas if this would result in an improved building design, which better enhances the character of the built environment.

The Highway Officer has been consulted and is of the opinion that given the proposal does not affect the current traffic patterns or the free floor of traffic, Norfolk County Council does not wish to resist the grant of consent.

Given the site is situated within the Sheringham Town Centre and Conservation Area access to local services and public transport by way of main line rail link to Norwich and regular bus services are provided, it is considered that the provision of car/cycling parking within the site it is not proportionate or reasonable as there is only a minor residual increase in the number of flats from six to eight (Class C3 Units) and alterations of previous units to a larger Unit 0.2 (Restaurant/Hot Food and Takeaway) under Class A3/A5. For the reasons given above, Officers consider the proposal acceptable under Policies CT 5 and CT 6 and paragraph 105 of the Framework.

11. Other material planning considerations

Compulsory Purchase Order

North Norfolk District Council made a Compulsory Purchase Order (CPO) under Section 226(1) (a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 on 15 January 2020. The purpose of the Order was to facilitate the carrying out of development, redevelopment, or improvement to contribute to the promotion or improvement of economic, social, and environmental well-being of the acquiring authority's area. It is in the North Norfolk District Council interest that the site is developed to avoid a detrimental impact on the character and appearance of the conservation area and visual amenities of the neighbourhood. For that reason, the Council and the Owner entered into a Compulsory Purchase Agreement (CPA) to not compulsorily purchase the Owner's freehold interest in the Property provided the Development is delivered in accordance with the timescales set out below:

- Construction of the Development commences on or before 1 June 2022; and
- Practical Completion of the Development takes place on or before 1 June 2023

For the reasons given above, compliance with the above dates is subject to the Council's interests to secure a viable future for the development of the site and avoid a situation whereby the site is left vacant and unkept for a prolonged period further eroding the character and appearance of Sheringham Conservation Area and visual amenities of the neighbourhood.

Section 73 procedural matters

Government Planning Practice Guidance (PPG) sets out that an application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. Paragraph 014 Reference ID: 17a-014-20140306 of the PPG states that Section 73 cannot be used to change the description of the development.

The current application may be considered to change the description of development set out within the description of development for the original permission PF/17/0192. Case law, including *Finney v Welsh Ministers* [2019] EWCA Civ 1868 and the guidance referred to above, may suggest that such changes may require a full new planning application to be submitted.

In this instance the expedience of determining the current submission is considered to be in the wider public interest and this approach has been supported by the Assistant Director of Planning.

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary a condition imposed upon a decision already granted planning permission by the Local Planning Authority (LPA). Section 73 of the Act instructs the LPA to consider the variation to, or relief of conditions that are applied for, stating that “if they [the LPA] decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, they shall grant permission accordingly” (s.73(1)(a)). As such, the LPA can grant permission unconditionally or subject to different conditions, or alternatively refuse the application if it is deemed that the original condition(s) should remain in place.

The variation to the planning permission would not revoke the development; however, the grant of a planning permission under Section 73 essentially provides a new planning permission. It is therefore necessary to reconsider the overall development proposal against the development plan.

Since the grant of planning permission on 18 October 2018 in respect of application PF/18/1603, there has been a change in national planning policy as contained within the Framework. The changes made to the policies however do not significantly differ from those contained within the previous versions of the Framework with regard to the matters relevant in this case. The above assessment has had regard to the latest version of the Framework, which was published in July 2021. The assessment has also had regard to the Development Plan and all relevant guidance, some of which has been updated since the consideration of application PF/18/1603.

12. Conclusion

The development is considered to be in accordance with the requirements of the Development Plan. There are no material considerations that indicate the application should be determined otherwise.

RECOMMENDATION :

It is recommended that the application be APPROVED subject to the conditions listed below and any others considered necessary by the Assistance Director of Planning:

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents, approved under planning permission PF/17/0192 dated 25 October 2017:
 - Drawing no. 1372.04, Existing Plans, dated 6 February 2017;
 - Drawing no. 1372.05, Existing Elevations, dated 6 February 2017;
 - Drawing no. 1372.12, Rev L, Revised Proposed Floor Plans, received 8 August 2017;
 - Drawing no. 1372.15, Rev J, Revised Proposed North and West Elevations, received 8 August 2017;
 - Drawing no. 1372.16, Rev F, Revised Proposed South and East Elevations, received 8 August 2017

And as amended by the approved plans and documents, approved under planning permission PF/18/1603 dated 18 October 2018:

- Drawing no. 1372.02
- Drawing no. 1372.12, Rev M

And as amended by the approved plans and documents, except as may be required by specific condition(s) and as listed below:

- Drawing no. 1372.12, Rev N, Proposed Floor Plans, dated 27 October 2021;
- Drawing no. 1372.15, Rev K, Proposed North and West Elevations in Context, dated 22 February 2022;
- Drawing no. 1372.16, Rev H, Proposed South and East Elevations in Context, received on 22 February 2022

Reason:

To ensure the development is carried out in accordance with the expressed intentions of the applicant and to ensure the satisfactory development of the site, in accordance with Policies SS 1, SS 13, EN 4 and EN 8 of the adopted North Norfolk Core Strategy.

2. The details of the site hoardings (inclusive of height, design, and colour) have been submitted to and approved by the Local Planning Authority through discharge of condition application CDA/18/1603, dated 3 April 2020. Notwithstanding the above, the hoardings shall be retained in situ to the satisfaction of the Local Planning Authority until such time that the re-development of the site is progressed.

Reason:

To avoid a detrimental impact on the character and appearance of the conservation area and visual amenity of the neighbourhood, in accordance with Policies EN 8 and EN 4 of the adopted North Norfolk Core Strategy.

3. There shall be no works of demolition or construction, machinery operation, nor materials delivery or disposal, pursuant to the development hereby permitted, outside the hours of 0700 and 1800 on Mondays to Fridays, or between 0800 and 1300 on Saturdays, or at any time on any Sunday, Public or Bank Holiday.

Reason:

To protect the amenity of neighbouring residents in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

4. An Environmental Management Plan with details of the materials and waste storage, and dust and noise suppression techniques has been submitted to and approved by the Local Planning Authority through discharge of condition application CDA/18/1603, dated 3 April 2020. Notwithstanding the above, for the duration of all phases of the construction, all traffic and activities associated with the development shall comply with the approved Environmental Management Plan.

Reason:

To ensure the provision of adequate off street parking during the redevelopment period and to prevent extraneous material being deposited on the highway in the interests of highways safety, and to protect local residential amenity, in accordance with Policies CT 5 and EN 4 of the adopted North Norfolk Core Strategy.

5. There shall be no commencement of construction works beyond foundation levels within the development hereby permitted until the following details have first been submitted to and approved in writing by the Local Planning Authority:

- (a) samples of all proposed external brickwork;
- (b) samples of all proposed external roofing materials;
- (c) samples of all proposed external cladding, including finished texture and colour;
- (d) details of eaves, verges, soffits and rainwater goods;
- (e) details (to a 1:20 scale) of window designs and specifications, including appearance, materials, colour, joinery, depth of reveals;
- (f) details (to a 1:20 scale) of door designs and specifications, including colour, appearance and materials; and,
- (g) details (to a 1:20 scale) of balcony designs and specifications, including colour, appearance, and materials;

The development shall then be constructed in full accordance with the approved details.

Reason:

In order for the Local Planning Authority to be satisfied that the materials to be used will be visually appropriate for the approved development and its surroundings, and to protect and enhance the character of the conservation area, in accordance with Policies EN 4 and EN 8 of the adopted North Norfolk Core Strategy and Chapter 10 of the North Norfolk Design Guide.

6. There shall be no use or occupation of the development hereby permitted until the refuse storage areas have first been provided and made available for use in accordance with the capacity and locations shown on approved plan 1372.12 Rev N, and shall be retained as such thereafter.

Reason:

To ensure appropriate refuse collection and sustainable travel arrangements and to provide an appropriate standard of amenity for future residents in accordance with Policies EN 4 and CT 6 of the adopted North Norfolk Core Strategy.

7. A scheme detailing provision for onsite parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority through discharge of condition application CDA/18/1603, dated 3 April 2020. Notwithstanding the above, the scheme shall be implemented throughout the construction period.

Reason:

To ensure adequate off street parking during construction in the interests of highway safety, in accordance with Policy CT 6 of the adopted North Norfolk Core Strategy.

8. A Construction Traffic Management Plan and Access Route which incorporate adequate provision for addressing any abnormal wear and tear to the highway together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic has been submitted to and approved in writing by the Local Planning Authority in consultation with Norfolk County Council Highway Authority through discharge of condition application CDA/18/1603, dated 3 April 2020.

Reason:

In the interests of maintaining highway efficiency and safety, in accordance with

Policy CT 5 of the adopted North Norfolk Core Strategy, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

9. For the duration of the construction period all traffic associated with the construction of the development shall comply with the Construction Traffic Management Plan and use only the Construction Traffic Access Route and no other local roads unless approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:

In the interests of maintaining highway efficiency and safety, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

10. The development shall be carried out in full accordance with the details of proposed surface water disposal from the building submitted to and approved in writing by the Local Planning Authority through discharge of condition application CDA/18/1603, dated 3 April 2020.

Reason:

To ensure that satisfactory drainage is provided for the development in accordance with Policy EN10 of the adopted North Norfolk Core Strategy.

11. Prior to the first of use of any of the commercial premises hereby permitted for a use falling within Use Class A3 and A5, a scheme for a kitchen extractor system shall be submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include measures to control noise and odour from the extractor system. The scheme as approved shall be installed prior to the first use of the A3 and A5 premises to which the approval relates and shall be maintained thereafter.

Reason:

To control the noise dust or odour emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

12. Prior to the first use of any of the premises hereby permitted, full details of any ventilation, air conditioning, refrigeration or mechanical extractor systems or any other plant and equipment to be installed as part of the approved development, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall specify measures to control noise/dust/odour from the equipment. The use of the premises hereby permitted shall not be commenced until such time as the equipment has been installed in full accordance with the approved details (unless otherwise agreed in writing by the Local Planning Authority). The equipment shall be maintained in accordance with the approved details thereafter.

Reason:

To control the noise, dust or odour emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

13. No extractor or ventilation system shall be installed at the premises subject to this planning permission, unless a scheme for noise and odour control has first been submitted to and approved in writing by the Local Planning Authority. The system shall be installed and thereafter maintained in full accordance with the approved details.

Reason:

To control the noise, dust or odour emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

14. Prior to the installation of any external lighting, details shall first be submitted to and approved in writing by the Local Planning Authority. The designs of any external lighting shall be proposed to a bat-friendly specification, and shall thereafter be installed in accordance with the approved details.

Reason:

In the interests of protecting the visual amenity and character of the conservation area, to protect the residential amenity of neighbours, and to minimise the impacts on existing and enhanced foraging and roosting habitats for bats, and to avoid light pollution in accordance with Policies EN 4, EN 8, EN 9 and EN 13 of the adopted North Norfolk Core Strategy, as amplified by paragraph 3.3.70 of the explanatory text.

15. No deliveries shall be taken at or despatched from the site outside the following times, 7.00 hours to 19.00 hours on any day.

Reason:

To control the noise emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

16. The commercial premises hereby permitted and those permitted as part of planning permissions PF/17/0192 and PF/18/1603 shall not be open to customers/public outside the following times, 07.00 hours to 23.00 hours on any day.

Reason:

To control the noise emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text and to protect the character of the countryside in accordance with Policy SS 2 of the adopted North Norfolk Core Strategy.

NOTES AND INFORMATIVES TO APPLICANT

1. The Local Planning Authority considers that it has worked positively and proactively with the applicant to address any arising issues in relation to determining this planning application, to secure a policy compliant proposal that has been determined in the wider public interest at the earliest reasonable opportunity, in accordance with the requirements of the National Planning Policy Framework (paragraph 38).
2. This proposal involves excavations adjacent to the public highway. It is an offence to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact Norfolk County Council on telephone (01263) 516145.
3. The applicant's/developers attention is drawn to the advice provided by Anglian Water that an application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water also recommends the installation of properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Act 1991.

4. The applicant/developer is advised that any external extract/ventilation proposed in conjunction with the permitted development/change of use, may require separate planning permission. For further advice please contact the District Council's Planning Division (telephone: 01263 516150).
5. The applicant is advised that any proposals for signs or advertisements on the building subject to this planning permission may require separate consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Advice on this matter can be sought by writing to the District Council's Planning Division giving details of the proposed signs or by telephoning (01263) 516150.