

**SHERINGHAM - PF/24/1229 - Erection of 41 retirement living apartments with associated access, car parking, landscaping, ancillary facilities, and associated works at Land at, The Esplanade, Sheringham, Norfolk**

**Major Development**

**Target Date:** 14 March 2025

**Extension of time:** 14 March 2025

**Case Officer:** Darryl Watson

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS**

- Within Sheringham's Settlement Boundary and a designated Residential Area for the purposes of the Core Strategy
- Adjacent to the Sheringham Conservation Area Extension (*the CA boundary adjoins the site's south boundary*)
- Within the Coastal Shelf Landscape Type for the purposes of the North Norfolk Landscape Character Assessment SPD
- Sheringham and Beeston War Memorial on The Boulevard to the south-east of the site is a grade II listed structure
- Within a Mineral Safeguarding Area
- Within an area Susceptible to Groundwater (SFRA - Classification: < 25%)
- Within the defined setting Sheringham Park as shown on the Core Strategy Proposals Map
- Within the Zone of Influence of a number of European habitats sites

**RELEVANT PLANNING HISTORY**

CL/20/0626: Certificate of Lawfulness for existing operation - implementation of planning permission ref no 01/77/0968/F dated 1st August 1977 (for the erection of 55 flats and 55 garages) and as subsequently varied by planning permission 01/80/1549/F dated 7th October 1980 (varying condition 4 of 01/77/0968 to stage the infrastructure to coincide with completion of each block of flats), with the remaining 31 flats and garages to be built - Lawful

PF/17/1742: Variation of condition 2 of planning permission PF/13/1203 to allow car park to be used as a private car park through the months of November to March - Approved

PF/13/1203: Continued use of land as car park from April to October – Approved

PF/08/1561: Continued use of land as car park from April to October - Approved

PF/03/0359: Use of land for car park from April to October - Temporary Approval

PF/02/0128: Use of land as temporary car park - Temporary Approval

PF/01/0645: Use of land for temporary car park between 1 May and 31 October 2001 - Temporary Approval

PF/00/0668: Use of land as temporary car park between 1 May and 30 September 2000 - Temporary Approval

PF/99/0306: Use of land as temporary car park between 1 April and 30 September 1999 - Temporary Approval

HR/80/1549: Amendment to condition 4 of planning permission 77/0968 to stage the infrastructure to coincide with completion of each block of flats - Approved

HR/77/0968: Erection of 55 flats and 55 garages - Approved

## THE SITE

The site is located at the junction of The Boulevard and The Esplanade with a frontage to both, the longer being to the former. It has an area of approximately 0.26 Ha, is L shaped wrapping around the rear of the adjacent Upcher Court block and slopes slightly, falling by approximately 2 metres from the north boundary to the south. The site currently has open boundaries to the road and is surfaced is compacted gravel with areas of scrub, unmanaged vegetation and some self-set trees. It is located within Sheringham's settlement boundary and a designated Residential Area for the purposes of the North Norfolk Core Strategy. The character of the area is predominantly residential with a mix of mainly blocks of flats fronting The Esplanade and houses to the south.

The site is adjacent to but not within the Sheringham Conservation Area Extension with the south boundary of the site adjoining the CA boundary. The War Memorial to the south of the site on the roundabout at the junction of The Boulevard and St Nicholas Place is grade II listed. The north and east site boundaries are open. The south runs along the common boundary with 12 St Nicholas Place along which there is a painted blockwork wall. The northern section of the west boundary is adjacent to the garden area to the front of Upcher Court and its east flank elevation. Part of the site extends west to the rear of Upcher Court and is adjacent to the blocks of garages serving it.

The site was formerly occupied by part of the Grand Hotel which was demolished in 1974. Planning permission was granted in 1977 for a development of 55 apartments in three blocks with separate garages on the former hotel site. Two of the blocks were built (Upcher Court) on the west and middle part of the site, but the third containing 31 flats, which would be on the current application site, was not. The planning permission for the third block is, however, extant as confirmed by the Lawful Development Certificate (ref. CL/20/0626) issued in 2020.

Other than intermittent use as a car park with number of limited period planning permissions granted as detailed in the planning history above, the site has remained undeveloped for around 50 years. It is considered that the site constitutes '*previously developed land*' according with the definition in Annex 2 of the NPPF

## THE APPLICATION

Proposes a four-storey building comprising 41 'retirement living' apartments (24 x 1-bed and 17 x 2-bed) including a communal lounge for homeowners, guest suite, mobility scooter store with charging points and landscaped garden areas is proposed. The building's main frontage would be to The Boulevard, with a shorter frontage to The Esplanade

Vehicle access to the site and its car parking would be via the existing access from St Nicholas Place that serves the lock up garages for the flats at Upcher Court. It is proposed to resurface the access and widen it to 5.5m so it is wide enough for two cars to pass. A total of 29 car parking spaces are proposed which would be for residents, staff and visitors. The main area (22 spaces) would be to the rear of the building and would include EV charging points. A further 7 spaces would be located adjacent to the rear boundary of 12a St. Nicholas Place where an existing row of garages would be removed. Pedestrian access for residents would be at the rear of the building via the car park and from some entrances on the front elevation to The Boulevard.

Each of the upper floor apartments in the front sections of the building would have a balcony and most of those on the ground floor would have patio areas. All residents would also have access to outdoor amenity area within the two small communal gardens.

The design of the building has been amended since the application was first submitted. As originally submitted the building had a flat roof. Following amendments a pitched, gabled roof is now proposed with other amendments including removal of wraparound balconies on the northeast corner; use of a darker red brick to the ground floor sections of the main elevations with a string detail above; roofline broken up more; use of contrasting light brick to stairwell sections; double gable to south and west elevations; areas of hit and miss projecting brick detailing added.

The application includes a range of relevant reports and supporting information. Community engagement was undertaken by the applicant prior to the submission of the application. This included engagement with the residents of neighbouring apartments in Upcher Court and meeting with the Directors of the Upcher Court Residents Association.

## **BACKGROUND**

McCarthy & Stone (the applicant) are a specialist retirement house builder and have developments elsewhere in the North Norfolk District including Cromer, North Walsham and nearby in Sheringham (Beaumaris Court). The supporting Planning Statement states that 60%-70% of residents of McCarthy & Stone developments are 78 years old or over and 30% are 80 or over. Most residents (85%-90%) are single or widowed, with 75% of households being single females.

It is a condition of the sale on a long lease basis that occupancy in these types of development is by persons over 60 years of age. In the case of occupancy by a couple, one person must be over 60 and the other over 55 years of age.

## **REASONS FOR REFERRAL TO COMMITTEE:**

The Assistant Director Planning has requested that the application is reported to the Development Committee for reasons relating to the scale of the development and the prominence / significance of the site.

## **REPRESENTATIONS**

Application as first submitted

**56 received**

**51 objecting on the following grounds**

Scale, height, massing, siting and appearance of the building and its effect on the character and appearance of the area, including the setting of the conservation area and listed War Memorial

- Overdevelopment of the site
- Excessive height and bulk / scale of the building. It is too big for the site. Would be overbearing, higher than neighbouring buildings and visually dominating. Development is greater than approved scheme with 31 flats to be built whereas 41 are proposed.
- Design is not in keeping with the area, looks like student flats or more suited to a city environment. Could be anywhere. Architecture /design is not good enough. Needs to

be more in keeping with the heritage of the town. Materials such as black bricks, railings and design do not blend in

- Does not fulfil the National Design Guide's key characteristics.
- Projecting balconies close to the pavement edge add to the cliff-like appearance.
- Building would overpower / dominate the street scene.
- Three floors with the top set back and with more green space would be appropriate.
- Existing flats are not an attractive feature of the town.
- Incongruous aesthetic which should not be consistent with the adjacent 1970s buildings. Would add to the problem of the existing poorly designed sea front buildings and will not enhance it.
- Building too close to the site boundaries/footpath. Should be set back with grass frontage. Does not follow established building lines.
- Loss of view towards the arch and sea front.
- Site needs developing, but appearance of the building is not good.
- Something akin to other M&S developments in North Norfolk would be better.
- Uninspired design that should take inspiration from the Grand Hotel that once occupied the site. This prime location deserves something better.
- Would dominate setting of the war memorial and surrounding gardens and people's experience of it.
- Bears no relation to surrounding Edwardian and more historic buildings nearby in the adjacent conservation area.
- Mansard style roof would fit better with Upcher Court. Flat roof makes building boxier and dominating.
- Lack of green space and landscaping. Strip of land for planting seems inadequate for it to grow and for when it matures
- Too many flats for the site, too dense
- Will blight the approach to The Esplanade and arch /sea front and will create a canyon narrowing views
- Gateway / prime site warrants a more sympathetic and visually pleasing design.
- Access to car parking from The Boulevard would break up the building's frontage.
- Corner of The Boulevard and The Esplanade was previously intended to have an area of greenery which would soften the approved building's façade. North elevation sits too far forward of the established building line and should be set back like Upcher Court.

#### Insufficient parking and shortcomings of the access

- Lack of parking for both the residents of the development and their visitors.
- Will lead to overspill parking by residents leading to congestion particularly in the summer and taking up valuable visitor parking spaces detrimental to tourism.
- Should be left as a car park.
- Extent of vehicle usage of access is underestimated. Access would be used by service vehicles for both existing and the new development which needs to be taken into account. Would serve 67 properties.
- Access point is already congested, and its narrowness leads to difficulties due to limited sight lines.
- Adverse effect of extra traffic.
- Older people still drive / use cars.
- Access off The Boulevard should be used which was to serve the approved scheme.
- Track is poorly maintained and in a poor state of repair.
- Likely to attract younger people than usual meaning car ownership will be higher.
- The final phase of Upcher Court was to be served from The Boulevard and the flats were sold on that basis.
- Inappropriate to have the entrance at the back of the block where there is no drop-off point. Should have entrance from the east side.

### No need for further retirement accommodation in the town

- Others are recently built and under construction in the town, so a healthy supply and the market is saturated. Some nearby over 50s apartments remain empty and unsold.
- Increased pressure on public services, doctors, dentists from people moving from outside the area

### Effect on living conditions

- Loss of daylight and sunlight to adjacent flats
- Balconies on northwest corner would lead to overlooking of Upcher Court flats
- Loss of privacy
- Would encroach on adjacent garden area in front of Upcher Court
- Loss of outlook /line of site from adjacent flats at Upcher Court

### Should provide affordable homes.

- Site should be developed with affordable homes.
- Should not be exclusively for over 60s. Local families and first-time buyers should be given the opportunity to live in the town.
- Needs to be something for younger people.

### Other concerns/comments.

- Could be used for holiday flats or purchased for second homes.
- Will not free up housing in the town as claimed as likely to attract people from outside the area, which would not be restricted.
- Can sewers cope with additional loading?
- Only one lift – needs two.
- Access for fire appliances and emergency vehicles to gain access to rear of western block of Upcher Court could be compromised.
- A construction management plan will be needed given the nature of the site, its constraints and to avoid nuisances with traffic, parking, noise and dust etc during construction.
- Site has been left derelict for too long and needs to be developed, but building is too high and too close to the road.
- Loss of biodiversity
- Economic benefits may be overstated if people are moving from within the area as they would already be spending within it.

### **5 supporting/commenting**

- Good to see site developed, would be good for Sheringham.
- Building would be in keeping with others on The Esplanade
- One lift would be insufficient.
- Supportive of additional retirement accommodation but design of the building needs to be improved. Third floor needs a re-think. Something like Beaumaris Court with the inclusion of green spaces would be better.

### Application as amended

24 received with **objections** on largely similar grounds to those raised previously.  
Comments include:

- Still hideous, not an improvement, changes do not address fundamental issues and concerns.

- Exactly the same as before but the pitched roof makes the building bigger. Other changes are minor and cosmetic.
- Pitched roof could have improved the design if it had replaced a storey of the building. Makes the building more dominant and bulkier.
- Should be a storey lower
- Original proposal was acceptable and preferable, the pitched roof makes the building higher than Upcher Court, thereby more imposing and reducing light
- Doesn't deal with insufficient parking and concerns about traffic using the access track have not been addressed.
- Doesn't address impact on services.
- Possible effect on foul drainage – there have been recent problems with this.
- Site should be used to build houses for young people.
- No objection to development of brownfield, vacant land.
- Potential noise from EV chargers
- Trees on south boundary could block sunlight

## CONSULTATIONS

### **Sheringham Town Council:**

*Application as first submitted*

**Object** on the following grounds:

*Design*- whilst intended to be in keeping with the adjacent 1970s buildings, these detract from the street scene and offer no design benefit. A contemporary design would be acceptable, but the proposal would not make a positive contribution to the street scene.

*Scale/massing* – whilst intended to reflect that of the buildings on The Esplanade, given the building's location on St Nicholas Place it would have an unacceptable overbearing visual impact on the street scene, in particular in relation to the War Memorial and the view from North Street to the sea.

*Impact on the Conservation Area* – there are concerns about the impact of the development on the adjacent conservation area and the War Memorial. Whilst the developer claims that the requirements to pay “*special attention to the desirability of preserving or enhancing the character or appearance of the area*” do not apply, there are multiple examples of appeals that have upheld refusals for proposed developments on the edge of, but outside, a conservation area.

*Car parking* – the 29 spaces proposed are wholly inadequate and any overflow would spill on to surrounding streets which are already heavily congested year-round but particularly in the summer months. There are parking restrictions on The Esplanade that prevent overnight parking

*Eligibility* - given the high proportion of second homes in the town and the impact this has on local people and housing availability and affordability, there is concern that making the units available to anyone would further negatively impact local people. A previous similar development at Beaumaris Court had only 25% local occupancy. In support of the local community, STC would like to see a tiered approach similar to those used in determining eligibility for affordable housing, should the development go ahead.

*Second Home Ownership* - should the development go ahead, STC request that restrictions be introduced to prevent the use of the units as second homes.

*Application as amended*

**Object** – original objection still stands as the revised plans have in no way addressed the concerns previously raised.

**Strategic Housing NNDC - Comment** with regards to specialist retirement housing that research carried out in 2012 for Norfolk County Council identified an unmet need in North Norfolk for 686 sheltered flats (market sale) in 2020 which will rise to an unmet need for 1130 by 2041. On a smaller scale there is an unmet need of 119 sheltered flats (shared ownership) in 2020 rising to 196 in 2041. The changes in unmet need reflect a growing older population and assume a static supply of sheltered housing.

With regards to affordable housing, there is a high need for it in Sheringham. There are 1,251 households on the Council's housing list who have stated they require housing in Sheringham, 227 of these households are in the highest housing need bands. There are 388 households aged over 60 years on the housing list for Sheringham, including 159 single people and 129 couples/2 adult households.

Whilst it is recognised that it is difficult to make affordable housing for rent work in McCarthy and Stone developments because of high service charges, it should be possible to include some shared ownership homes for which there is an unmet need in the district

As the development is for C3 use, Core Strategy policy HO2 which requires 45% of the homes to be affordable, is applicable. The applicant has stated that it is not viable to provide an affordable housing contribution as part of the development and has submitted a financial viability assessment to demonstrate this which should be reviewed by the Council's independent viability consultant

**County Council Highways - No objection** - concerns raised previously in relation to the proposed access arrangement onto St. Nicholas Place without improvement have been addressed. The revised plans now include the access within the application red line, with a proposal to widen the access to 5.5m which would benefit all users.

Whilst there would be an increase in activity, the measures presented would mitigate the Highway Authority's concerns in respect to the provision of a safe and suitable means of access allowing support for the proposals.

The proposed parking provision is consistent with other McCarthy & Stone developments of this type and is therefore acceptable.

**Historic Environment Service - Comment** that the conclusions of the archaeological desk-based assessment submitted with the application are accepted. Based on currently available information it is considered that the application would not have any significant impacts on the historic environment in terms of below-ground archaeology. No conditions for archaeological work will therefore be required.

**NCC Flood & Water Management (LLFA) - No objection subject to conditions**, these include a pre-commencement condition relating to the proposed combined sewer diversion and for the development to be carried out in accordance with Flood Risk Assessment and relevant drainage plans.

#### **Anglian Water – No Objection**

*Affected assets* – **no objection subject to a condition**. A 300mm combined sewer crosses the site. To ensure this can be maintained, it is proposed to be diverted, and the route is considered to be acceptable. This should be subject of a planning condition.

*Wastewater treatment* – **comment** that the relevant water recycling centre can accommodate flows from the proposed development.

*Used water network* – **comment** that the sewerage system at present has available capacity for the flows from the proposed development. A number of related informatives are requested.

*Surface water disposal* – **no objection subject to conditions** the proposed surface water to discharge into the Anglian Water combined sewer at a maximum discharge rate of 2.9l/s is acceptable. A condition is required to ensure that the surface water strategy is implemented in accordance with relevant drainage layout plan and that no hard-standing areas are to be constructed until the works have been carried out in accordance with the drainage strategy.

## **Conservation and Design (NND) - Objection**

*Application as first submitted*

### **Object**

Note that the site is situated within the immediate setting of the Sheringham Conservation Area, which is a designated heritage asset afforded protection under the Planning (Listed Buildings and Conservation Areas) Act 1990. The site is also within the setting of the grade II listed Sheringham and Beeston War Memorial located on the roundabout between The Boulevard and The Esplanade. Given the proximity to several parts of the conservation area boundary, as well as the listed war memorial, any development here will inevitably have an impact on the setting of these heritage assets.

Whilst outside of the boundary of the conservation area, impact on setting remains a key consideration when assessing an application for its impact on any heritage assets. The NPPF defines setting as: *“the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”*. Paragraph 201 (now, 208) of the NPPF, requires local planning authorities to identify and assess the significance of any heritage asset that may be affected by a proposal, which includes its setting. Para 206 (213) states that *“any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”*. Proposals within the setting should look to preserve those elements which make a positive contribution to the asset in order to be treated favourably (para 212, now 219).

The war memorial and its associated ornamental garden is an attractive focal point in this part of the conservation area with views through to the seafront and open sky possible by virtue of the gap site and the wide, planned avenues. Although the proposed development would be appreciated in the wider setting of the war memorial, the argument that any development on this site will harm said setting is not convincing. Whilst any building of the scale proposed would be visible from the memorial, and the quality of design will have an impact, the principle of infilling this site is not necessarily going to result in harm. It is noted that at the time the memorial was first unveiled in 1921, the Grand Court Hotel would have still been located on the corner of The Esplanade, occupying part of the application site. Therefore, the open views to the seafront that are currently enjoyed from the memorial and surrounding gardens were not actually designed views at the time, and those that will be available following development would be dissimilar to those that were possible in 1921.

To the south of the site The Boulevard is the main avenue connecting the older part of Sheringham with its newer and more spacious “garden suburb”, together with St Nicholas Place and North Street which form a large part of the conservation area around the site. The area is largely characterised by large late Victorian and Edwardian, three-storey semi-detached dwellings, set back from the road with mature front gardens. Designs are generally conservative and follow a similar pattern, usually symmetrical, using red brick and often plain tiles for the roofs, tall chimneys, sometimes with mullion and transom windows and rendered top storeys. The “garden suburb” feel lent to this area by the array of mature trees, large private gardens and other mature vegetation all contribute to reinforcing the sense of a rural

seaside town. To the north of the site, the conservation area is characterised by the ornamental cliff top gardens along The Esplanade along with the Marble Arch that allows access down to the beach and although the boating pond and an inter-war shelter are outside the boundary as it stands, they all form part of the seaside leisure frontage of the town and are appreciated as a whole.

Given its position on the seafront, its open nature by virtue of it being on a corner with wide roads surrounding it, this is a very sensitive site, in a very sensitive location. The site as it stands is arguably a detractor from the surrounding area, as such there is a once in lifetime opportunity to enhance this part of Sheringham and have a positive impact on the setting of the conservation area. Whilst the principle of development here is accepted, given the extant 1970s permission, there are serious concerns that the proposals do not represent an enhancement, and instead would result in harm to the setting of the conservation area.

Whilst the general footprint and principle of four storeys has to be accepted to a degree, the proposal appears to have just taken the previous design and given it a contemporary spin, pushing the site to its limits in terms of scale, perpetuating what is considered to be an inappropriate form of development by current standards. The previous design did at least manage to achieve four storeys without being quite as oppressive in scale, with more variation in the roofline, as well as more animation and relief in the elevations. The built form was not hard up to the site boundary all the way around, with one block set further back behind some green space, and the corner of the plot also given over to some green space, somewhat softening the impact of the development. Despite some of the merits of the extant scheme it is considered that given current policy and guidance, that it should be referred to quite so closely in shaping the future development of the site.

Along The Esplanade there are a mixture of different styles of blocks of flats, most of which are modern purpose-built structures, and one of which is a former hotel, but the majority are limited in architectural value. It is considered that the site offers a real opportunity to introduce a structure that contributes to local distinctiveness and takes cues from the prevailing architectural character in the wider area. The building that has been presented has no ties to the local context, it is largely ambiguous in character, and examples of this design could be found in many towns and cities across the country. This suggests that the design and form is not best suited to a seaside town on the North Norfolk coast and that there is a need to be making the most of an unusual opportunity to improve the townscape through high level design.

The proposed design has changed very little from pre-application stage, the building retains its monolithic quality that would dominate the immediate area. The minor changes made to the plans do not do a great deal to help the large structure settle into its context. The steps in elevations are fairly modest in reality and the ridgeline changes are somewhat negligible, so it will be perceived from most vantage points as a single big wall of development. The elevations are all rather flat, lacking relief and modelling, the lightweight balconies do little to break through the elevation and are likely to read more as insubstantial visual add-ons rather than intrinsic design features.

In line with guidance in the North Norfolk Design Guide (2008), a flat roof is rarely an ideal solution, however, it has to be recognised that on occasion there may not be a suitable alternative. The flat roof has however, been presented in a very overt way being unrelieved, with no significant changes in level, no overhang, and no means of capping making the whole building appear lumpen and angular which is only exacerbated by the sheer scale of the building as it rounds the corner. If a flat roof is the only solution available, it at least needs to be better disguised - options include an edged roof, and perhaps the introduction of gables. Regardless of the solution proposed the roof needs more significant variation in levels as well as a proper capping detail.

The corner of the building nips hard on the corner of the plot around The Esplanade, it sits much closer to the boundary edge than most of the existing built form, and because of the corner plot this has a wider impact. The building needs to sit further back from the boundary edge, allowing more space for landscaping to soften the impact of development, and the corner block also needs a better focal point that helps it turn the corner and sit more comfortably on the plot. From the corner, the building should step down as it moves inland, as the 1970s scheme did, in more obvious diminishing returns. In its current form the scheme is not appealing from a design perspective, and it would be difficult to argue it would enhance the setting of the conservation area nor to a lesser degree, the setting of the war memorial. From the volume of objections that there is a general consensus locally that reflects many of these concerns with a recurring theme that this design is not appropriate for the context and will be incongruous in the street-scene.

Para 203 (now 210) of the NPPF encourages local planning authorities to take account of “*the desirability of new development making a positive contribution to local character and distinctiveness*” when determining applications. Great weight must always be given to a designated heritage asset’s conservation, which includes development within the setting (para 205, now 212). If harm is concluded, it must be accompanied by clear and convincing justification and if less than substantial, should be weighed against the public benefits of the proposal (Paras 206, 208 now 213, 215).

It is considered that the proposed development would result in ‘less than substantial’ harm to the setting of the Sheringham Conservation Area, and as such is not in accordance with the requirements of the NPPF, nor Core Strategy policies EN4 and EN8. The harm to the setting of the conservation area could be mitigated to an extent by good design, but the scheme as presented is not considered to represent the high quality of design expected in a sensitive location.

#### *Application as amended* **Objection**

Whilst amendments to the scheme have made some improvements to the quality of the design, fundamentally there is a concern that the issues raised initially have not been fully addressed.

Visually, the most obvious change to the design is at roof level, with the flat roof having become a pitched roof. It is considered that this does somewhat improve the proportions of the building in isolation, reducing the lumpen quality it had previously and giving some slight variation in the roofline. However, in giving the building a pitched roof, the overall scale of the building is unfortunately emphasized further. The variation added by having a slight drop in the ridge line in places is essentially lost within the sheer volume of built form. Similarly, the two southernmost blocks have been slightly reduced in height, but in reality, the reduction is so subtle as to make very little difference to the overall sense of scale.

As well as having been given a gable end following the addition of the pitched roof, the corner block has also been slightly stepped in which does relieve some of the pressure on the immediate surroundings. This in conjunction with the removal of the wraparound balcony has helped to create a better focal point on the corner, which is perhaps slightly less oppressive than the original scheme. In addition, the suggestion of changes to materials has been taken on board, which again helps to soften the building to a degree, along with alterations to the brick detailing. Overall, these changes do go some way to giving the building slightly more grounding in the local context and livening up the large expanse of flat elevations.

Ultimately, despite the welcome changes to the design, the fundamental concern that the scale, form, massing and character of the building are inappropriate in the context remain outstanding. Although the scheme has moved forward in design terms, it is still concluded that the building lacks any meaningful connection to the local context. It remains fairly ambiguous in character and would not be out of place in many large cities across the country. As

highlighted previously, it is considered the design and scale combine to create a building with a fairly industrial character, which does not comfortably fit into a rural seaside town on the North Norfolk coast. Even with the changes to the roofline, footprint and materials, the building retains its monolithic quality that would dominate the immediate area. From ground level, in particular from the war memorial, the ornamental gardens and Marble Arch as well as The Esplanade immediately surrounding the site, the variation in the roofline would be difficult to perceive.

Para 210 of the NPPF encourages local planning authorities to take account of “*the desirability of new development making a positive contribution to local character and distinctiveness*” when determining applications. Great weight must always be given to a designated heritage asset’s conservation, which includes development within the setting (para 212). If harm is concluded, it must be accompanied by clear and convincing justification and if less than substantial, should be weighed against the public benefits of the proposal (paras 213 & 215).

Despite some positive changes, it is considered that the proposed development would still result in ‘less than substantial’ harm to the setting of the Sheringham Conservation Area, and as such is not in accordance with the requirements of the NPPF, nor CS policies EN4 and EN8.

### **Environmental Health - Comment**

With regards to:

*Potential land contamination* – site is clean with no exceedances recorded and as such no further works are necessary

*Noise* – recommend conditions regarding sound insulation, details of kitchen extraction and of any plant, machinery, ventilation, air conditioning and extraction equipment prior to its installation.

*Refuse* – recommend conditions requiring facilities for the storage and collection of reuse and recycling to be provided prior to occupation of the development, in accordance with details that have first been approved by the local planning authority.

### **Landscape (NNDC) - No objection**

*Trees* – the supporting arboricultural information submitted with the application and recommendations within it are acceptable and appropriate. Several small self-set sycamore trees will be removed, and one sycamore (T10) will be protected throughout the construction works.

The tree planting specified would go some way to softening the street scene. Concerns raised over some of the species originally selected which may not be suitable for the coastal conditions have now been satisfactorily addressed. Similarly, the hedging species have been improved in line with officer recommendations.

Conditions to secure the delivery of the planting are recommended along with the requirement for Habitat Management and Monitoring Plan to secure the ongoing establishment of the planting. An external lighting condition is also recommended.

*Protected species* - The application is supported by a comprehensive Preliminary Ecological Appraisal and its conclusions drawn and recommendations are accepted. The justifications for the proposed development to have no impacts upon designated sites, other than recreational impacts which will be addressed through payment of the GIRAMS tariff are also accepted.

The proposed landscaping will lead to significant biodiversity gains at the site, though the installation of features including integrated bat bricks/boxes, integrated swift bricks/boxes and

bird boxes within newly planted areas which will provide further ecological interest at the site. No quantities are provided within the recommendations, though it is considered that 4No. bat bricks/boxes, 20 No. swift bricks/boxes and 4 No. open-fronted bird boxes would be appropriate. These can be secured through a condition.

A Construction Environmental Management Plan (CEMP) (biodiversity) should also be sought as recommended, which again can be dealt with by a condition.

*Biodiversity Net Gain* a comprehensive assessment of the baseline and post-development habitats has been undertaken. The proposed development would lead to a small loss of habitat units and small gain in hedgerow units (the two are not interchangeable). Landscape planting is proposed as part of the scheme, and it would be considered unfeasible for sufficient habitats to be created onsite to deliver a 10% gain in habitat units. Therefore, 0.17 habitat units will need to be provided offsite. The delivery of 10% BNG can be detailed within the Biodiversity Gain Plan required prior to commencement to comply with the statutory biodiversity gain condition.

#### **Climate & Environmental Policy (NNDC) - No comments**

**Norfolk County Council - Planning Obligations Co-Ordinator - Comment** - requests the provision of a fire hydrant which can be secured through a condition. No requirement for education or library contributions due to age restricted nature of the proposed development

**Historic England - Not offering advice.** Suggest the views of the Council's specialist conservation and archaeological advisers are sought

#### **SMB Property Consultancy - independent financial viability assessor - Comment**

The report submitted by the applicant provides a detailed explanation of the appraisal and inputs and assumptions used together with supporting evidence including a formal valuation report in support of the benchmark land value adopted. The viability report is considered to be comprehensive with clear explanation of the assumptions made and inputs used. It is advised that the methodology of the appraisal is sound.

Whilst all the assumptions and inputs are not necessarily agreed with, it is considered to be a fair assessment of the viability of the development and is one that provides a fair return to both the developer and landowner. The assessment has been undertaken in accordance with the requirements of the NPPF, Planning Practice Guidance and the RICS Professional Standard.

It is considered that that the applicants have made the case in justification that the proposed development is unable to support the delivery of affordable housing or other developer contributions.

#### **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.

## **LOCAL FINANCE CONSIDERATIONS**

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

## **RELEVANT POLICIES:**

### **North Norfolk Core Strategy**

SS 1 - Spatial Strategy for North Norfolk

SS 3 – Housing

SS 4 – Environment

SS 6 - Access and Infrastructure

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

EN 10 – Development and Flood risk

EN 13 - Pollution and hazard prevention and minimisation

HO 1 - Dwelling mix and type

HO 2 - Provision of affordable housing

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

CT 2 - Developer contributions

CT 5 - The transport impact of new development

CT 6 - Parking provision

### Material Considerations:

### **National Planning Policy Framework (NPPF)**

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe 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

### **Supplementary Planning Documents and Guidance**

North Norfolk Design Guide (2008)

North Norfolk Landscape Character Assessment (2021)

## **OFFICER ASSESSMENT:**

### **Main issues for consideration:**

- 1. Whether the proposed development is acceptable in principle**
- 2. The design and appearance of the proposed development and its effect on the character and appearance of the area and the setting of heritage assets**

3. **The likely highways and parking impacts of the proposed development**
4. **The effect on the living conditions of the occupiers of nearby dwellings**
5. **Whether there is a need for the proposed development**
6. **Developer contributions**
7. **Flooding risk and drainage**
8. **Energy efficiency**
9. **Ecological impacts**
10. **The effect of the proposed development on trees**
11. **Whether the proposed development makes effective use of land**

## **1. Principle**

Sheringham is designated as a Secondary Settlement for the purposes of the Spatial Strategy set out in policy SS 1 of the Core Strategy (CS) and as such is a location where new development is directed. As the site is within the Settlement Boundary and a designated Residential Area, where policy SS 3 states that appropriate residential development will be permitted, the proposal is considered to be acceptable in principle. Furthermore, the extant planning permission for the final block of the Upcher Court apartments is a material consideration which Officers consider would attract significant weight in the planning balance.

## **2. Character and appearance, heritage assets**

CS policy EN 4 seeks to ensure that all development is of a high-quality and reinforces local distinctiveness, stating that design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable. Proposals are expected to have regard to the North Norfolk Design Guide and amongst other things, incorporate sustainable construction principles, make efficient use of land, be suitably designed within their context, retain important landscape and natural features and incorporate landscape enhancements and ensure appropriate scales.

CS policy EN 8 requires that development preserves or enhances the character and appearance of designated assets and their setting through high quality, sensitive design. It should be noted that the strict 'no harm permissible' clause in the policy is not in full conformity with the NPPF. As a result, in considering the proposal, regard must be had to the guidance in Chapter 16 of that document as a material consideration.

Whilst CS policy EN 2 is primarily a landscape policy, it does require that development proposals should demonstrate amongst other things, that their location, scale, design and materials will protect, conserve and, where possible, enhance, the special qualities and local distinctiveness of the area, distinctive settlement character, and the setting of, and views from, Conservation Areas.

Chapter 12 of the NPPF relates to achieving well-designed places and the need to create high quality, beautiful and sustainable buildings and places. Paragraph 135 for example, advises amongst other things, that planning decisions should ensure that developments: will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing appropriate innovation or change (such as increased densities). Paragraph 139 states that *"development that is not well designed should be refused especially where it fails to reflect local design policies or government guidance on design..."*

Paragraph 212 of the NPPF advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost from amongst other things, development within their setting and that this should have a clear and convincing justification. Setting of a heritage asset is defined in Annex 2 of the NPPF as being “*the surroundings in which a heritage asset is experienced. Its extent may not be fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*”.

The southern extent of the site adjoins the boundary of the Sheringham Conservation Area Extension (CAE) designated in 1995 which extended the original conservation area designated in 1975, westwards. The CAE boundary is also opposite about half the length of the site's frontage to The Boulevard. The east end of The Esplanade and part of its north side extending up to and just beyond the slope to the seafront and 'Marble Arch' are also with the CAE. Currently there is not a character appraisal for the conservation area or the CAE.

There is an extant permission for a four-storey building on this site which was the remaining part of the Upcher Court (UC) development. Whilst the applicant is not advancing this as a fall-back argument - i.e. it would be built out if the current application was not approved, the extant permission does set some parameters in terms of scale, height, massing, appearance and siting that are considerations to which appropriate weight should be given.

In general, the scheme with permission would reflect the style/appearance of the existing flat blocks, with the top floor contained within a mansard roof and incorporating some projecting balconies and windows. Compared to the current proposals in respect of siting, the building was set back off the corner of The Boulevard and The Esplanade allowing for a square area of open space. The northern end of the east elevation (to The Boulevard) was close to the back edge of the footway with the southern elevation set back further behind an amenity/landscaped area. Roughly central in the elevation was a ground floor drive-through access to the rear car park. At this point there was also a drop in the ridge line with the southern end sitting lower. The block fronting The Esplanade sat forward of the block to the west sitting just back from the footway and was slightly higher than the east elevation.

It is estimated that overall, the proposed building would be approximately 2.5m higher than the extant scheme. The east elevation would have a generally continuous ridgeline with slightly lower (approx. 0.6m) sections above the stairwells. Some modulation to the elevation would be provided by two recesses and with the northernmost section stepped back. Officers have tried to secure a reduction in the height of the southern end of this elevation, but as this would result in the loss of units, the applicant advised that this would make the development unviable due to the costs involved in bringing the site forward. Amendments have been made to the design and appearance of the proposed building since the application was first submitted as detailed above including the replacement of the flat roof with a pitched roof but this comes at the cost of increasing the building's height by approximately 3.0m to 14.5m at ridge level.

As noted in the Conservation & Design officer's comments above, these amendments have resulted in improvements to the building's design/appearance. Nevertheless, concerns remain regarding the appropriateness of its scale, form, massing and appearance. With its 28m long frontage, limited modulation and virtually continuous ridge to break up its bulk, the east elevation would be a continuous wall of building in the streetscene. Although shorter at 18m, the south elevation would similarly be quite bulky and when seen with east elevation, would emphasise overall mass of the building. In other respects, the overall appearance of the building would be fairly homogenous, with a repetition in the fenestration across the elevations for example. Despite the inclusion of panels of brickwork detailing there would still

be some quite large areas of blank brickwork on end elevations in particular, that would be seen in public views.

Paragraph 207 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The application is supported by a Built Heritage Assessment (BHA) which includes a setting assessment which identifies assets affected; assesses the contribution that setting makes to the significance of the asset and assesses if, and to what extent, any anticipated changes to setting as a result of a development might affect the asset's significance.

The BHA acknowledges the site forms part of the wider setting of the CAE and the War Memorial and concludes amongst other things that:

- *“despite its proximity to both, the site does not meaningfully contribute to the heritage significance of either identified heritage asset as part of their physical setting that could contribute to their significance. Furthermore, whilst the open aspect of the Site affords views towards the war memorial and the edge of the Conservation Area (Extension) from the north-west, these views are unplanned, incidental and incorporate elements of the surrounding suburban townscape. They do not contribute to the significance of the War Memorial or the character and appearance of the Conservation Area (Extension).*
- *The construction of the proposed development would result in change in the wider surroundings of the War Memorial but would not alter the experience of the asset nor that of the Conservation Area (Extension). Prevailing views that provide the clearest and best appreciation of these heritage assets would be wholly preserved. Fundamentally, the Site currently forms, at best, a neutral component of the setting of these assets, and also does not comprise a historically significant element of their setting. On this basis, the construction of the proposed development would not change any element of the setting of these heritage assets that contributes to their significance.*
- *the proposed development is considered to result in no harm to the significance of any identified designated or non-designated heritage asset through alterations to their setting”*

The site is on the cusp of the area of the generally larger scale 3 – 4 storey 1960/70s buildings that front the south side of The Esplanade and the late 19<sup>th</sup>/early 20<sup>th</sup> century buildings within the adjacent Sheringham Conservation Area to the south. The proposed building would be seen in the context of both. The appearance of the buildings fronting The Esplanade reflect the period during which they were constructed and are not of the architectural quality of those found within the Conservation Area. Historically, the site was occupied in part by the Grand Hotel, which was a substantial 5 storey Victorian building, which historic mapping shows was set back from The Boulevard. Since the demolition of the building 50 years ago, the site has been vacant other than intermittent use as a car park. Its current undeveloped, wasteland appearance makes no meaningful contribution to the setting of the conservation area from within it with views across to the blocks of flats on the west leg of The Esplanade. Nor does it contribute to the setting of the War Memorial.

The amendments to the proposed design of the development through replacing the flat roof with pitched roof have increased the building's height by approximately 3.0m to 14.5m at ridge level. Based on the submitted streetscene drawing, this would be approximately 2.5m higher than top of the roof of the immediately adjacent block of UC to the west and similarly higher than the building with extant permission. It would, however, be approximately 5.2m lower than the former Burlington Hotel (now known as Burlington Place) at the eastern end of The Esplanade, within the conservation area. In the long views east and along The Esplanade, the building would be seen within the context of generally 3 storey buildings. It is considered that this, in combination with the width of the street and the openness to the north, means that

the building could be absorbed into the streetscene without appearing as a significantly out of scale or incongruous element within it and would not harm the setting of the conservation area. Similarly, its appearance would be acceptable within this context. The bulk of the double gable on the west elevation that would sit forward of UC would be apparent in some views from the west and northwest but would be seen in the context of the gable end of Burlington Place. It is also noted that the building line on the south side of The Esplanade is varied.

In the view southwards along The Boulevard into the CAE, because of the width of the road including footways (15.5m) providing separation, it is considered that the proposed building would not have an overbearing visual effect on the houses opposite or to the south, or appear significantly out of scale in the streetscene. The same can be said of the opposing view. Whilst the building would close off the view across to the west part of St Nicholas Place this is not considered to be a key view and any development of a reasonable scale on the site would be also be likely to close it or reduce it. Any harm to the setting of the conservation area in this view would be minimal and there would also not be any material harm to the setting of the War Memorial.

In the areas to the east of The Boulevard such as Morris Street and Augusta Street, which have a tighter grain with terraces of two and 3 storey houses, it is unlikely the building could be seen in public views, such that there would be no effect on the setting of this part of the conservation area. Similarly in the areas to the west such as the western leg of St Nicholas Place, other than some glimpsed views through gaps in between buildings, it is unlikely the building would be seen.

The building would, however, be seen in the long vista northwards from The Boulevard at its junction with Church Street. In this view and travelling north-westwards, the War Memorial is a focal point with buildings including the UC flats as a backdrop. The proposed building would sit within this context and given its similar height to the adjacent flats, it is considered the impact on the setting of the CAE and War Memorial would be neutral. It is also noted that the Memorial was erected in 1921 well before the demolition of the Grand Hotel so it was never intended to have an open view behind it. Whilst the view toward the sea front and some of the wind shelters on The Lees would be lost, it is considered this is not significant in terms of the setting of either asset.

Standing within the central part of the roundabout and on the northeast side of The Boulevard where it meets the roundabout, the proposed building would largely replace the UC flats in views. Because of the closer proximity to CAE at this point, the overall scale and mass of the building would be apparent which it is considered would result in some harm. Given the scale of the UC flats in the existing view and the parameters set by the development with extant permission, it is considered the harm would be less than substantial. In the views from these points, the development would result in the loss of views to The Lees and the shelters as would any building on the site to a varying degree. The only other part of the CAE where the building is likely to be visible is in a view northeast through the gap between 12 and 14 St Nicholas Place where it would sit behind number 12. It is considered that with trees within gardens proving some filtering when in leaf, the overall harm would be limited and less than substantial.

Other than effect on these relatively small areas of the CAE, the conclusions of the BHA that the development would not result in harm to the significance of any identified designated or non-designated heritage asset are considered to be reasonable.

In conclusion, it is considered that on balance, given the mixed context in the immediate surrounds, the scale, height, massing and appearance of the proposed building is acceptable, such that the proposal is in general accordance with CS policies EN 2 and EN 4. However, given that less than substantial harm has been identified above there is conflict with Policy EN

8, and the harm must be weighed against the public benefits that the development would provide in accordance with paragraph 215 of the NPPF. This is included within the conclusion and planning balance section of the report below.

### **3. Highways and parking**

#### *Access and effect on surrounding road network*

Policy CT 5 requires development to provide safe and convenient access for all modes of transport, including access to the highway network. Paragraph 116 of the NPPF states development “*should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network following mitigation would be severe...*”.

Access to the parking serving the development would be via the existing track that runs along the east side of 14 St Nicholas Place, serving that property and the garaging serving UC. It is also used by refuse vehicles serving UC and other service vehicles. Currently the access is approximately 4.5m wide and is unsurfaced. It is proposed to widen it to 5.5m to allow two cars to pass within it and it would be surfaced, which would also benefit UC residents. Bin collection for the proposed development would be on-street from The Boulevard.

Visibility splays that can be achieved out of the access to St. Nicholas Place are considered to be adequate for the increased usage resulting from the development and noting the fact that westwards, St. Nicholas Place is a no-through road connecting to Links Road. The submitted Transport Statement notes that whilst cars parked on-street can impede visibility, this should not have a significant impact due to generally low traffic speeds in the vicinity.

Whilst concerns were raised previously by the Highway Authority in relation to the proposed access arrangement onto St. Nicholas Place without improvement, this has been addressed and they now have no objection. The measures proposed would mitigate the increase in activity, and it is considered that subject to conditions to secure the relevant works, the development would be provided with a safe and suitable means of access in accordance with CS policy CT 5.

With regards to transport sustainability, the site is well located with good pedestrian access to the town centre and its range of facilities and services. Much of the town centre is within 5 minutes walking time and the southern end, including the railway station and bus stops on Station Road served by regular services, within 10 minutes walking time. It is about 13 minutes to Sheringham Medical Practice.

The Transport Statement and its supporting research suggests that additional vehicle trips generated by the development would be slightly lower in the morning peak compared to TRICS data but slightly more (8 per hour compared to 6) over the 12-hour period (07:00–19:00). It is however, considered that the proposal would not have a significant impact on the operation and safety of the local highway network. As such, and with no objection from the Highway Authority, the proposed development is considered to comply with CS policy CT 5 in this respect.

#### *Parking provision*

Policy CT 6 requires adequate vehicle parking facilities to be provided by a developer to serve the needs of the proposed development, in accordance with the Council's parking standards, including provision for people with disabilities. In exceptional circumstances, these standards may be varied where appropriately justified. For dwellings the current adopted parking

standards at Appendix C of the CS require 1.5 space per 1 bedroomed unit and 2 spaces for 2- or 3-bedroom units. There is a separate standard for sheltered housing, but it is considered that because of its specialist nature, the proposal does not neatly fall within either.

Upon adoption of the new Local Plan the 'Norfolk County Council Parking Guidelines for new developments in Norfolk' (2022) would apply, but it is considered that some, albeit limited, weight can be attached to them now. In relation to retirement accommodation for the over 55's it states, "*many residents are car owners and parking should be provided for each unit unless there is an evidence base to support a reduction in the standard*". The standard is 1 space per dwelling for a 1-bedroom unit and 2 for a 2-bedroom unit. To accord with this, 55 spaces would be required for the proposed development.

Evidence to support the amount of parking proposed is provided within the submitted Transport Statement. This is based on research carried out for 14 of the applicant's completed developments. Amongst other things, it identifies that vehicle ownership across the developments surveyed is approximately 0.5 vehicles per unit and that there is an average parking demand (residents and visitors) of 0.52 spaces per unit. This equates to 21 spaces for the proposed development whereas the provision would be 0.73 – other recent developments by the applicant in the district provide a useful comparison and have parking levels below that now proposed. For example: Beaumaris Court, South Street, Sheringham - 30 apartments with 19 parking spaces (0.63); Justice Court, Holt Road, Cromer – 34 flats with 19 spaces (0.55). The evidence also suggests that parking provision for residents in the applicant's developments generally exceeds the level of vehicle ownership and that peak parking demand is well below the provision of parking spaces. Consideration must also be given to the site's location within easy walking distance of the shops, facilities and public transport options in the town centre.

Parking space dimensions would accord with the NCC standards, and the provision would include 3 accessible spaces. In addition, 6 spaces for mobility scooters are proposed, and whilst no dedicated cycle parking would be provided this is based on supporting evidence.

Concerns relating to parking in the representations are noted, and it is acknowledged that on-street parking demand in the surrounding area particularly, where there is no charge, is high particularly during summer months and holiday seasons. This is likely to continue irrespective of whether or not the development went ahead. If it did, it is considered it would be unlikely to materially exacerbate existing problems. The use of the site for car parking was only ever intermittent and not a permanent facility. Based on the information supporting the level of parking proposed which is also accepted by the Highway Authority, it is considered that the proposal is acceptable in terms of CS policy CT 6.

#### **4. Living conditions**

CS Policy EN 4 states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Paragraph 135 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

Paragraph 3.3.10 of the North Norfolk Design Guide states that residents have the right to adequate privacy levels, nor should new development lead to any overbearing impacts upon existing dwellings. Existing residents should also be kept free from excessive noise and unwanted social contact.

The extant planning permission is also a consideration in this respect.

*Nearby occupiers*

The flats in the eastern half of the block of UC which is immediately adjacent to the site's west boundary, are the closest dwellings to the proposed development. Because of this proximity the occupiers of those flats would be the most affected by it. These flats have a sitting/dining room to the front served by two windows in the front elevation facing The Esplanade and a single smaller window in the east elevation facing the site. The kitchens in these flats are also served by a window in the east elevation. In the rear of the flats there are two bedrooms served by windows in the south elevation. Some of the upper floor windows also have balconies.

The west elevation of the proposed building would extend forward of the line of the front elevation to UC towards The Esplanade. It would sit back approx. 4m from the line of the east elevation of UC. Because of its height and proximity, the proposed building would severely limit the outlook north-eastwards from the easternmost of the windows in the front elevation to the living room and the window in the east elevation in particular. Whilst outlook to directly north would be unaffected, it would also have an overbearing impact on the existing flats and result in the loss of direct sunlight during the early part of the day.

With regards to the effect on the kitchen window, the west elevation of the proposed building would be stepped back where a small courtyard garden would be located. The kitchen windows in UC would face this space with a separation distance of approx. 14m to the facing elevation. Irrespective of whether it provides space for dining, a kitchen is classed as a secondary space for the purposes of the NNDG. This recommends a minimum separation distance of 8.5m between windows serving them and a blank wall in the case of conventional single and two storey dwellings. In the case of larger buildings such as blocks of flats the distance should be increased by 3m for each additional storey. The separation distance between UC and the proposed building would therefore fall slightly short and there would be some loss of outlook, daylight and early morning sun to the kitchens in UC.

For the reasons explained, it is considered that the proposed development would have a harmful effect on the living conditions of the occupiers of the adjacent flats in UC. The development subject of the extant planning permission would, however, have a comparable effect with part of it fronting The Esplanade similarly sitting forward of the adjacent flats but slightly closer to the line of their east elevation and slightly lower in height. The development similarly included an amenity area adjacent to east elevation of the UC flats but was larger and deeper than that proposed. The facing wall of the development would also have been 4 storeys but again slightly lower than that of the proposed development. As such whilst there would be some impact on the kitchen windows in UC it would be slightly less than that of the now proposed development.

The south elevation of the proposed building would sit back slightly further from the site's southern boundary than the development with extant permission. It would sit closer to the line of UC's east elevation and again would be slightly higher. Whilst this would result in greater overshadowing, as the windows in the rear of UC face south they would still receive good levels of sunlight for much of the day. As with the extant permission, windows in the south elevation, some with balconies, would overlook the parking areas and would be at 90° to those in the rear of UC. This would result in some co-overlooking between the proposed development and UC, but this would be broadly similar to that with the scheme with extant permission. It is considered the proposed development would not result in any material loss of privacy to UC occupiers in this and other respects.

An assessment of noise from car movements associated with the proposed car park and increased use of the access, is included in the submitted Noise Assessment. This concludes that there would be a negligible increase in ambient noise levels at the nearest receptors

including the dwellings adjacent to the access, but not to a level that would be harmful to living conditions.

A Construction Management Plan is considered necessary and reasonable given the scale of development, the proximity to existing dwellings as well as to ensure deliveries and parking do not cause problems during construction.

In conclusion, it is considered this is a very finely balanced issue. There would clearly be harm to the living conditions of the occupiers of UC, particularly in terms of the impact on their living rooms described above. Nevertheless, because the impacts would be broadly comparable to that of the development with extant permission, it is considered that refusal would be difficult to justify. Therefore, whilst the proposed development does not comply with CS policy EN 4, the extant permission is a material consideration which Officers consider would attract significant weight in the planning balance. Further consideration on this is provided within the planning balance section of the report.

#### *Future occupiers of the development*

All the apartments would have an internal floor area that complies with the nationally described space standard, which exceeds the requirements within the North Norfolk Design Guide. The applicant has confirmed each apartment would meet the M4(2) Building Regulation standard which relates to accessible and adaptable dwellings.

The apartments with windows in the north and east elevations would have a good outlook over The Esplanade and The Boulevard and would receive good levels of daylight/sunlight. Those within the rear of the building would have an outlook across the parking area and should receive acceptable levels of sunlight and daylight for a proportion of the day. Windows in one of the apartments (repeated on each floor) would have windows that face south into the courtyard garden. The bedroom window would face the blank wall of a projecting rear section with a separation distance of approx. 9.8m, which would comply with the separation distance recommended in the NNDG for a two-storey building but not for four storeys as proposed. Whilst this would reduce the outlook, as the room would be used primarily for sleeping it is considered to be acceptable. Outlook from the living room window would, however, not be curtailed and being south facing would receive good levels of sun/daylight. Levels of privacy in all apartments would be acceptable.

With regards to outdoor amenity space, ground floor apartments would have small patio areas and those on the upper floors would have either a walk-on or Juliet balconies. All occupiers would have the use of the small garden areas, and the seafront and beach are a very short walk away.

A Noise Assessment (NA) is included with the application. Road traffic from The Esplanade is identified as being the main source of noise which could affect the development. Recommendations to provide mitigation to ensure noise levels within habitable rooms comply with relevant maximum internal levels are included within the NA. These can be secured through a condition.

For the reasons stated, it is considered that the development would provide acceptable living conditions for its future occupiers and as such complies with CS policy EN 4

## **5. Need**

Some representations consider there is not a need for additional 'retirement' accommodation given the amount already approved / under construction. The Government's objective is to

significantly boost the supply of homes and paragraph 161 of the NPPF refers to the overall aim should be to meet an area's identified housing need. The comments from the Council's Housing Strategy and Delivery Manager refers to the unmet need for specialist retirement housing in North Norfolk for 686 sheltered flats (market sale) in 2020 which will rise to an unmet need for 1130 by 2041. On a smaller scale there is an unmet need of 119 sheltered flats (shared ownership) in 2020 rising to 196 in 2041.

In the supporting text (para 3.2.4) to the Housing policies in the CS, reference is made to the numbers of elderly people being expected to rise and "*it is considered that the impact of such growth will be especially in a popular retirement location such as North Norfolk*" and "*this trend is likely to continue and accordingly provision needs to be made for the particular requirements of older people...*" Similarly, paragraphs 7.2.7 - 7.2.12 of the draft North Norfolk Local Plan refer to the ageing population and that the over 65 population is the fastest growing across the district, with the higher age cohort over 80 years of age projected to grow at the fastest rate. It also states that "*provision of specialist housing for older people can reduce health and social care costs, improve quality of life and free up general needs housing for younger households*".

How much under-occupied housing would be freed up within either Sheringham itself or the wider NN district by people moving from their current home to the development is difficult to quantify. This is because of the likely variables and because priority for occupation of the proposal would not be given to existing residents of NN. Nevertheless, it is reasonable to expect some existing NN residents would move in to the development. The applicant has provided additional information to show that 70% of residents of Beaumaris Court came from the local area and a similar percentage of residents of Justice Court in Cromer moved from an NR postcode and from North Norfolk. Even if only 50% of the units in the proposed development were occupied as such, 20 houses could be freed up, although they may not necessarily be affordable.

An aim of CS policy HO 1 is to ensure developments include a proportion (at least 40% on schemes of five or more dwellings) of smaller dwellings (below 70m<sup>2</sup> floorspace) and a proportion (20%) that are suitable or easily adaptable for occupation by, amongst others, the elderly. Twenty-four of the apartments (58%) would have a floorspace below 70m<sup>2</sup> so the development would exceed this requirement and all would be suitable for occupation by the elderly.

The policy also supports the provision of purpose built accommodation for the elderly in appropriate locations within selected settlements (i.e. not within the Countryside area), and well served by public transport and local services, provided it does not detract from the character of the surrounding area. As such, the proposal would accord with relevant Development Plan policy.

## **6. Developer contributions**

CS Policy SS 6 requires development to be supported by and have good access to, infrastructure, open space, public services and utilities. Policy CT 2 states that for schemes of 10 or more dwellings, where there is not sufficient capacity in infrastructure, services, community facilities or open space, improvements which are necessary to make that development acceptable will be secured by planning conditions or obligations.

Because of the size and location of the site it is accepted that it would not be feasible to provide the required different types of open space on site. Based on the current version of the Council's open space calculator a total contribution of £108,833 is required to provide this off-site through, for example, upgrading existing facilities.

Other than the provision of a fire hydrant, which can be secured through a condition, the County Council have confirmed that because of the age restricted nature of the development, contribution towards education and libraries are not required.

With regards to affordable housing, CS Policy HO 2 requires that, where it is viable to do so, for schemes of 10 or more dwellings in Secondary Settlements, not less than 45% of the total number of dwellings proposed are affordable. Whether or not retirement housing should make provision for affordable housing is a frequent cause of contention, but as a Class C3 use and given the need for affordable housing in the district, it is appropriate to seek some provision either on site or through a contribution to off-site provision.

In this case, the applicant has advanced an argument that it is not financially viable for the development to provide affordable housing or any other contributions. On that basis, a Financial Viability Assessment (FVA) was requested. The submitted FVA has been assessed by the Council's Viability consultant who has confirmed that it has been carried out in accordance with relevant guidance including that in the Planning Practice Guidance and the RICS Assessing Viability in Planning guidance. They agree that the applicants have made the case in justification that the proposed development is unable to support the delivery of affordable housing or other S106 requirements (save for the GIRAMS contribution). On that basis of the above, it is considered that sufficient evidence has been provided by the applicant to justify their viability case. The proposal would therefore accord with the requirements of Policy HO 2.

## **7. Flood risk and drainage**

The site is within Flood Zone 1 which has a low probability of flooding from rivers and the sea so complies with CS policy EN 10 in this respect. It is also not at risk from surface water flooding, with some of the surrounding area at low risk i.e. between 0.1% and 0.5% each year. Groundwater flood risk is also low.

CS policy EN 10 requires the provision of appropriate surface water drainage arrangements for dealing with surface water run-off from new development, with a preference for sustainable drainage systems (SUDs) unless it is demonstrated that they are not feasible due to soil conditions or engineering feasibility. Paragraph 182 of the NPPF advises that applications which could affect drainage on or around the site should incorporate SUDs to control flow rates and reduce runoff and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible. SUDs provided as part of proposals for major development should take account advice from the Lead Local Flood Authority.

The surface water discharge hierarchy has been followed. Because of the site's size and location, the use of 'soft engineered' surface features such as swales are not a viable option. The information submitted with the application has demonstrated that infiltration is not possible due to ground conditions. As such discharge to the combined sewer is proposed which, following discussions, is now considered acceptable to Anglian Water based on the proposed maximum discharge rate. The Lead Local Flood Authority have also removed their previous objections now that an appropriate method of surface water discharge has been agreed.

The proposed development is therefore considered acceptable in terms of CS policy EN 10.

CS policy SS 12 indicates development will not be permitted in Sheringham unless it has been demonstrated that there is adequate capacity in sewage treatment works. Anglian Water have confirmed there is capacity in this case.

## 8. Energy efficiency

CS Policy EN 6 requires that new development must demonstrate how it minimises resource and energy consumption using the most appropriate technology for the site and surrounding area. Major developments such as is proposed, are required to provide on-site renewable energy technology to deliver at least 10% of the predicted energy usage from renewables and must be supported by an Energy Consumption Statement (ECS).

To achieve the policy requirements, a 'fabric first' approach is proposed to reduce the overall energy demand for heating and cooling through fabric improvements which in turn would reduce carbon emissions. The submitted ECS indicates that this approach would exceed the minimum Building Regulations (BR) requirements in terms of insulation effectiveness.

For space heating electric panel heaters are proposed with water heating by an air source heat pump hot water cylinder. Mechanical ventilation with heat recovery would be used in the apartments, reducing the need to use the main heating system by providing background heating. In communal areas, lighting would be on sensors. The ECS suggests that the measures proposed would result in a 54.6% reduction in the amount of CO<sub>2</sub>/year against the notional amount such that current BR requirements would be exceeded. The applicant's preferred option to meet the 10% renewable requirement is with roof mounted PV panels.

With regards to water efficiency, the proposed measures would result in a level of water usage per person per day lower than BR requirements

On the basis of the ECS and the securing of the proposed measures through conditions, it is considered that the proposal complies with policy EN 6

## 9. Ecology

### *Protected species*

The application is supported by a Preliminary Ecological Appraisal (PEA) which the Landscape Officer considers to be comprehensive with works undertaken being satisfactory, as are the conclusions drawn and recommendations made within it. The PEA did identify the need for a Preliminary Roost Assessment (PRA) of the garages which would be demolished. This was carried out and no bats or evidence of their presence was identified and the building was considered to have low bat roosting suitability. None of the trees on site supported potential roosting features.

The Landscape Officer considers the proposed landscaping would lead to significant biodiversity gains at the site. The installation of features including integrated bat bricks/boxes, integrated swift bricks/boxes and bird boxes within newly planted areas will provide further ecological interest. No quantities are provided within the PEA's recommendations, though it is considered that 4 bat bricks/boxes, 20 swift bricks/boxes and 4 open-fronted bird boxes would be appropriate. These can be secured through a condition.

Recommendations in the PEA also include securing a Construction Ecological Management Plan (setting out the safeguards and appropriate working practices that will be employed to minimise adverse effects on biodiversity and ensure compliance with UK Wildlife Legislation) and, a Landscape and Ecology Management Plan (setting out the detailed establishment and management of all on-site compensation and enhancement measures). These are accepted.

For the reasons stated above, the proposal is considered to comply with Policy EN 9 in this respect.

### *Recreational impacts*

Norfolk local planning authorities (LPAs) have worked collaboratively to adopt and deliver a Green Infrastructure and Recreational Impact Avoidance and Mitigation (GIRAM) Strategy to ensure that the cumulative impacts of additional visitors, arising from new developments of housing and tourism to European sites, will not result in any likely significant effects which cannot be mitigated. The application site is within the Zone of Influence of a number of such sites with regards to potential recreational impacts.

In line with the RAM strategy a mechanism has been secured to ensure the appropriate financial contribution per dwelling prior to occupation as part of this proposal at the time planning permission is approved. It is considered that the proposed contribution (£9067.97) is sufficient to conclude that the project will not have an adverse effect on the integrity of the above identified European sites from recreational disturbance, when considered alone or 'in combination' with other development. As such the proposal complies with CS policy EN 9.

### *Biodiversity Net Gain*

A comprehensive assessment of the baseline and post-development habitats has been undertaken. The proposed development would lead to a small loss of habitat units and small gain in hedgerow units. Landscape planting is proposed as part of the scheme, and it would be considered unfeasible for sufficient habitats to be created onsite to deliver a 10% gain in habitat units. Therefore, 0.17 habitat units will need to be provided offsite, either by the developer, purchased from a habitat bank or purchased as statutory credits. The delivery of 10% BNG can be detailed within the Biodiversity Gain Plan required prior to commencement to in order to comply with the statutory biodiversity gain condition.

## **10. Trees**

A tree survey, tree constraint and tree protection plans have been submitted with the application. On the site itself there are 3 small, self-set Sycamores which would be removed. As they have little, if any amenity value and have been assessed as being of low quality, there is no conflict with CS Policies EN 2 and EN 4 which amongst other things aims to protect and retain distinctive landscape features, such as trees. Tree planting as proposed would off-set the loss of these trees and result in an increase in the number of trees on the site, which along with other planting would also help to soften the street scene.

Other than a Sycamore adjacent to the site's south boundary, within the grounds of 12 St Nicholas Place, which would be suitably protected during construction works, trees in adjoining properties would not be affected by the proposed development.

Subject to conditions to secure and maintain the landscape scheme including the proposed tree planting, and the tree protection measures, the proposed development is considered to comply with CS policies EN 2 and EN 4 and, paragraph 136 of the NPPF which emphasises the importance contribution that trees make to the character and quality of urban environments.

## **11. Effective use of land**

Chapter 11 of the NPPF emphasises the need to make effective use of land. Paragraph 125c) states “*planning...decisions should give substantial weight to the value of using suitable brownfield land in settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused*”. The site is considered to comply with the definition of brownfield land in the NPPF as noted above.

With regards to density, paragraph 129 of the NPPF advises that planning decisions “*should support development that makes efficient use of land*” but account should be taken of, amongst other things, the desirability of maintaining an area’s prevailing character (129c) and the importance of securing well designed, attractive and healthy places (129e)

CS policy HO 7 indicates proposals for residential development will be permitted provided that the development optimises the density of the site that protects or enhances the character of the area.

In Secondary Settlements, the indicative density is not less than 40 dwellings per hectare (dph). As the proposed development has a density of 157 dph, this requirement would be exceeded by some margin, making very efficient use of the land. Nevertheless, because of the concerns relating to the design aspects of the building and its effect on the character of the area, it is considered the proposal is not fully compliant with the aims of CS policy HO 7 and paragraph 129 of the NPPF.

### **Other considerations**

*Need for two lifts* – this is not a matter which is a material planning consideration, and the development would need to comply with the relevant Building Regulations requirements in this respect.

*Use of apartments as second homes or holiday lets* – this would not be restricted in terms of a covenant for example, as part of the sale of an apartment. Given the nature of the development and the fact that residents pay service charges, it is unlikely the apartments would be used as second homes. The restriction on the minimum age of the occupants is also likely to deter their use for holiday lets. Whilst a condition could be attached to prevent holiday use, it is considered it would not be reasonable or necessary, so would not meet the relevant tests. Such conditions were not imposed on the permission for the Beaumaris Court development for example.

*Access to garage courts associated with Upcher Court and for refuse vehicles and fire appliances* – this would not change as a result of the development. Some parking by visitors to UC may have taken place on part of the land to be used for the car park for the development but this would have been on an informal basis being private land.

*Ground conditions* – both Phase I (desktop) and Phase II (ground investigation) Site Appraisals have been carried out and submitted with the application. In summary, they demonstrate that the site is clean, requiring no remediation and its development is generally low risk. It is not suitable for soakaway drainage to deal with surface water disposal.

### **Planning Balance and Conclusion:**

Paragraph 11 (d) of the NPPF requires that planning decisions should apply the presumption in favour of sustainable development. Because the Council cannot currently demonstrate a five-year supply of deliverable housing sites, the development plan policies which are most relevant for determining the application are considered to be out of date. In such

circumstances paragraph 11d) indicates that planning permission should be granted unless

- i) the application of policies in the NPPF that protect areas or assets of particular importance (which includes designated heritage assets) provides a strong reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The proposed development is acceptable in principle for which there is an identified need. It would provide a safe access along with an appropriate level of car parking. Whilst not providing affordable housing or contributions to open space, the case why has been justified. There would be no harm to trees, protected species or below ground heritage assets. There would be suitable arrangements for surface water drainage from the site

The main concerns relating to the development are the effect on the living conditions of the occupier of the closest flats in Upcher Court and the less than substantial harm to the significance of a designated heritage asset (Sheringham Conservation Area Extension) as a result of the proposed building's appearance, scale, form and massing.

The main benefits are

*Economic* – these would be provided through the construction of the development with work for local contractors, trades people and suppliers. There would also be a small level of permanent employment upon completion - approximately 5 FTE posts including a manager and support staff. Occupiers of the development would contribute to the local economy by spending within the town and the wider District.

*Social* – the development would make a modest contribution to the District's housing land supply and help in meeting an existing and growing need for suitable housing for the ageing population. This in turn would free up some general needs and under occupied housing for younger households. It would allow older people to continue to live independently reducing health and social care costs

*Environmental* – the development would involve the reuse of a brownfield site in a very sustainable location and making very efficient use of the land. The building would be energy efficient and make use of renewable energy sources. The landscaping of the site would deliver biodiversity gains

On balance, Officers consider that the benefits of the proposal are not outweighed by the adverse impacts of the development when assessed against the policies in the NPPF taken as a whole. As such, the Officer recommendation is one of approval.

## **RECOMMENDATION:**

**APPROVAL subject to:**

1. **The completion of an agreement under section 106 of the Town and Country Planning Act 1990 to secure:**
  - **£9067.97 GIRAMs tariff payment to ensure that the development would not**

**have an adverse effect on the integrity of the relevant European Sites from recreational disturbance, when considered alone and 'in combination' with other development; and**

- 2. The imposition of appropriate conditions including those summarised below (plus any amendments to these or other conditions considered to be necessary by the Assistant Director of Planning); and**
- 3. If the Section 106 Obligation is not completed and the permission is not issued within 3 months of the date of this Committee meeting then the Director for Planning and Climate Change will consider whether the application resolution remains appropriate and in doing so will take account of the likelihood of the Section 106 being completed and permission issued in the near future (i.e. within another month) and will consider whether there are any potential / defensible reasons for refusal at that time. If he reaches that view – i.e. that the application should potentially be refused - then the application would be reported back to Committee.**

**Suggested Conditions:**

- Time limit
- Development in accordance with approved plans
- Samples of external materials
- Large scale design details
- Landscaping
- Construction management plan
- Refuse and recycling bin storage
- Sound insulation
- Details of plant and machinery etc
- Energy consumption reduction scheme
- Ecological mitigation/enhancement measures
- BNG Implementation
- Habitat Management and Monitoring Plan
- Tree protection measures
- Notification of commencement for GIRAMS
- Occupancy age restriction
- Sewer diversion
- Surface water strategy/drainage scheme implementation
- External lighting
- Fire hydrant