

Sheringham - PF/20/1564 - Variation of condition 2 (approved plans) of planning permission PF/14/0887 (Partial demolition of hotel and erection of six residential apartments and single-storey rear extension to hotel) to amend the design; Former Burlington Hotel, The Esplanade, Sheringham for Jaevee SPV1003 LTD

Minor Development

- Target Date: 13 November 2020

Case Officer: Miss J Medler

Full Planning Permission

CONSTRAINTS

SFRA - Risk of Flooding from Surface Water + CC

Landscape Character Area

LDF Tourism Asset Zone

SFRA - Areas Susceptible to Groundwater Flooding

EA Risk of Flooding from Surface Water 1 in 1000

LDF - Residential Area

Section 106 Planning Obligations

Conservation Area

LDF - Settlement Boundary

Mineral Safeguard Area

EA Risk of Flooding from Surface Water 1 in 100

National Air Traffic Service - Application for Wind Turbines

Enforcement Enquiry

RELEVANT PLANNING HISTORY

PLA/19970888 PF

Burlington Hotel, The Esplanade, Sheringham

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

Approved 02/09/1997

PF/14/0887 PF

Burlington Hotel, The Esplanade, Sheringham, NR26 8LG

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

Approved 13/12/2016

DE21/17/0098 ENQ

Burlington Hotel, The Esplanade, Sheringham, NR26 8LG

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

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

IS2/17/1781 IPA

Burlington Hotel, The Esplanade, Sheringham, NR26 8LG

Meeting regarding The Burlington Hotel

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

CDA/14/0887 CD

Burlington Hotel, The Esplanade, Sheringham, NR26 8LG

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

CDB/14/0887 CD

Former Burlington Hotel, The Esplanade, Sheringham

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

PF/18/0076 PF

Burlington Hotel, The Esplanade, Sheringham, NR26 8LG

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

PF/18/2325 PF

Burlington Hotel, The Esplanade, Sheringham, NR26 8LG

Conversion of lower ground floor, upper ground floor and first floors of hotel to 6 no. two-bedroom flats and 3no. three-bedroom flats. Creation of off-street parking for 3 vehicles, refuse storage enclosure and railings
Approved 11/06/2019

THE APPLICATION

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

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

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

- Fenestration

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

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

REASONS FOR REFERRAL TO COMMITTEE

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

SHERINGHAM TOWN COUNCIL

Object on the following grounds:

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

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

REPRESENTATIONS

One objection has been received raising the following points:

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

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

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

CONSULTATIONS

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

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

HUMAN RIGHTS IMPLICATIONS

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

Article 8: The Right to respect for private and family life.

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 3 - Housing

EN 4 - Design

EN 8 - Protecting and enhancing the historic environment

National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development

Section 5 – Delivering a sufficient supply of homes

Section 12 - Achieving well-designed places

Section 16 - Conserving and enhancing the historic environment

MAIN ISSUES FOR CONSIDERATION

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

APPRAISAL

1. Background

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Principle (Policies SS 1 and SS 3)

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

3. Design (Policy EN 4)

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

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

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

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

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

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

North Elevation (front facing The Esplanade)

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

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

West Elevation (side)

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

South Elevation (rear)

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

Materials:

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

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

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

Paragraph 130 of the NPPF states that:

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

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

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

4. Heritage Impact (Policy EN8)

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

Paragraph 193 of the NPPF states:

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

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

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

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

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

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

5. Other considerations

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

6. Conclusion

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

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

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

RECOMMENDATION:

REFUSAL for the following reasons:

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

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

National Planning Policy Framework (NPPF) (2019) Paragraph 130
National Planning Policy Framework (NPPF) (2019) Paragraph 196

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

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

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

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