

**NORTH NORFOLK DISTRICT COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990**

**THE NORTH NORFOLK DISTRICT COUNCIL  
(NO 1, 1 HIGH STREET,  
SHERINGHAM NR26 8JP)  
COMPULSORY PURCHASE ORDER 2020**

**STATEMENT OF REASONS**

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## **1 INTRODUCTION**

1.1 This Document is the Statement of Reasons of North Norfolk District Council (Acquiring Authority) for the making of a Compulsory Purchase Order entitled North Norfolk District Council (No 1, 1 High Street, Sheringham, NR26 8JP) Compulsory Purchase Order 2020 ('the Order'). In this statement of Reasons the land included in the CPO is referred to as the 'Order Land'

1.2 This Statement of Reasons has been prepared in compliance with MHCLG's 'Guidance on Compulsory purchase process and the Crichel Down Rules' dated February 2018 and includes the information required by that guidance.

## **2 LOCATION AND DESCRIPTION OF ORDER LAND**

2.1 The Order Land comprises the building known formerly as the Shannoeks Hotel on the corner of High Street and East Cliff in Sheringham. The property is not listed but is located within the Sheringham Conservation Area.

2.2 The Order Land sits in a prominent position on the Sheringham sea front facing on to the Promenade and beach with a car park (outside the Order Land) immediately to the west of the property. The Shannoeks is now in a seriously dilapidated condition.

2.3 The property is a three storey building located at the back edge of the footpath and consists of a former bar and dance floor on the ground floor with domestic flats on the first floor and a further flat on the second floor. All the residential accommodation and former hotel accommodation is unoccupied.

2.4 The Order Land includes a small length of footpath that gives pedestrian access from Gun Street/High Street.

## **3 THE POWER OF COMPULSORY PURCHASE**

3.1 The Council is empowered to acquire land compulsorily for planning purposes

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under section 226 (1)(a) of the Town and Country Planning Act 1990.

#### **4 PURPOSE IN SEEKING TO ACQUIRE SHANNOCKS**

4.1 The purpose of the CPO is to secure the long term regeneration of the Order Land and to ensure its contribution to the economic, social and environmental well-being of the immediate area and the town of Sheringham generally.

4.2 The Order Land is located facing onto the Sheringham Promenade and is within an area that is important to the tourist industry of the town. The site represents a prime location on the seaside front, which attracts a high footfall in the summer months and is therefore prominent to tourists and in attracting them to the town. The property actively detracts from this attractive seafront and the state of the building is such that the Council considers that it has a detrimental effect on the amenity of the area, including the Conservation Area and causes blight to the area.

4.3 It is recognised that the Order Land has no intrinsic quality in architectural or historic terms in its own right but it is located on the sea front and within the Sheringham Conservation Area and, in its current state, the property visually detracts from the quality of the area. The Council considers that its demolition and redevelopment with an acceptable design would provide a visual improvement to the Conservation Area and would enhance the Sheringham sea front and Promenade, thereby enhancing the tourist attraction of the town.

4.4 The Council recognises that a compulsory purchase order can only be made if there is a compelling case in the public interest (Paragraph 2 of the Guidance on Compulsory purchase process and The Crichel Down Rules – February 2018). The Council considers that a compelling case exists here for the reasons set out in this document.

4.5 The use of compulsory powers in section 226(1)(a) of the Town and Country Planning Act enables the compulsory acquisition of land where an acquiring authority thinks the acquisition will facilitate the carrying out of development, redevelopment, or improvement on or in relation to the Order Land and where the acquiring authority thinks the development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the

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economic, social or environmental well-being of the authority area. The Council believes both that the acquisition of the Order Land will facilitate the redevelopment of the Order Land and secondly that the resulting redevelopment will result in an improvement to the environmental, social and economic well-being of the area. The Council has taken full account of the guidance contained in the Government's Guidance on Compulsory purchase process and The Crichel Down Rules – February 2018 in making this Order. The Council is utilising its powers under section 226 (1) (a) of the Town and Country Planning Act 1990 because it is not certain it will be able to acquire the land by agreement although efforts will continue in parallel with this process.

- 4.6 The purpose of seeking to acquire land compulsorily would therefore facilitate the re-development and regeneration of the Order Land and the environmental and visual improvement of the area. These proposals would, in the opinion of the Council, meet its planning policy objectives and within a realistic timescale.

## **5 STEPS THE AUTHORITY HAS TAKEN TO BRING ABOUT THE REGENERATION OF THE ORDER LAND AND TO NEGOTIATE FOR THE ACQUISITION OF THE LAND BY AGREEMENT**

- 5.1 The Council has considered various options and actions to bring the property back into good condition, which would remove the blight and improve the amenity of the area. The steps taken to date are set out below.
- 5.2 A building survey was carried out in late 2014 on behalf of the Council. The survey identified significant damp problems but no structural defects that would justify action under the Building Act. Furthermore, the Council considered that whilst the building was dilapidated, it was not structurally unsound or dangerous and therefore no action should be taken under the Building Act 1984.
- 5.3 A section 215 notice was served on 4 March 2014, requiring significant works to improve the external appearance of the property. This was not complied with, and on 2 July 2015 the owner of the property, Huddies Ltd, was successfully prosecuted by the Council for failure to comply with the section 215 notice. Some works were subsequently undertaken but the section 215 notice still has not

been fully complied with.

- 5.4 This option has therefore been explored, but has not brought about a successful resolution to the unsightly appearance of the property, or resulted in bringing the property back into use. The Council remains concerned however, that should the owner comply with the section 215 notice, the property would again be left to fall into disrepair and return to a visual poor state in the future.
- 5.5 Emergency remedial action by the Council is not appropriate in this instance as there are no concerns of imminent risk of serious harm to health and safety of nearby residents and there are no occupants in the building itself. The building continues to be unsuitable for residential accommodation without significant remedial works.
- 5.6 In October 2015, the Council resolved to seek agreement with the owners to sell the property to the Council and to provide clear timescales for the owners to respond and to complete the sale. It was also resolved that if no agreement was reached for the sale of the premises, then the Council would proceed to make an application for Compulsory Purchase Order on the property and to take all necessary or desirable steps to achieve that aim.
- 5.7 The Council therefore sought to enter into negotiations with the owners with a view to purchasing the property in order for the Council to redevelop the site, which it would do in conjunction with the redevelopment of the adjacent Council owned Chequers public car park. To this end, the Council instructed its consultants to commence sale negotiations, however the owner refused to engage, stating that a voluntary sale was entirely inappropriate and citing its intention to redevelop the property itself
- 5.8 The Council therefore sought details of the owner's plans to redevelop the property and initially required this information be submitted by 27 January 2016. On 16 March 2016, the Council wrote to advise that as no plans had been submitted, the Council would commence preparing its own plans for the development of the property following compulsory purchase.
- 5.9 The Council resolved at its meeting on 6 May 2016 to appoint appropriate consultants including architects required to develop the planning application for
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the redevelopment of the Order Land. During this time, and despite being given additional time in which to respond, no action was taken by the owner in progressing or providing substantive information regarding their own plans for the site until January 2017 when they submitted a detailed planning application (Ref: PF/17/0192) for the demolition of the existing building and the erection of a four storey mixed use building to include restaurant/shops and residential uses. Planning permission was granted on 25 October 2017. The scheme comprised the following uses:

- Unit 0.1: A3/A1 (Restaurant/Shop).
- Unit 0.2: A3/A1 (Restaurant/Shop).
- Unit 0.3: A3 (Restaurant).
- Unit 1.1: C3 (Residential).
- Unit 1.2: A3 (Restaurant).
- Unit 2.1/Unit 2.2/Unit 2.3/Unit 3.1/Unit 3.2: C3 (Residential)

5.10 However, no work commenced to implement the planning permission and a further application was received from the owners in August 2018 (Ref: PF/18/1603) for the variation of Conditions 2 and 3 to allow a change of use of one of the units from restaurant/shop to restaurant/hot food and takeaway and to allow the demolition of the existing building prior to submission of details of the construction contract. Consent was granted on 18 October 2018. Planning permission was granted in part to allow necessary survey work to take place which required the use of deep bore holes. Condition 3 was imposed setting out a further timetable for the start of development and states:

*'Within a period of not more than 34 weeks from the start of demolition of the existing building a final signed contract for the site's redevelopment, which indicates a start date for the commencement of the development on site, together with the anticipated programme for sites redevelopment shall be submitted to and agreed in writing with the Local Planning Authority.'*

5.11 The owners had previously provided a revised delivery programme dated 29 June 2018 showing an anticipated start on site of January 2019 with a contract period of one year until January 2020. The Council has now issued a section 81 Demolition Notice dated 16 December 2019 under the Building Act 1984,

following the submission of a section 80 notice by the owner's demolition contractor on 6 November 2019, setting out how it is intended that the demolition of the property will be carried out. An application for the discharge of conditions 4 (site hoarding), 6 (environmental management plan), 9 (site parking), 10 (construction management plan & access) of planning permission PF/18/1603 was submitted on behalf of the owner on 7 January 2020 and validated on 14 January 2020.

- 5.12 The issue of a voluntary sale continued to be explored with the owner, despite their initial reluctance to engage in sale negotiations. The Council submitted two revised offers in 2016 and 2017 respectively, however the negotiations failed due to the significant difference in the valuations of the Council and the owner. Given that the owner continued to profess its committed intention to redevelop the property itself rather than sell, the Council and owner agreed that should the option of a voluntary sale become live once again, the parties would arrange for their respective experts to meet with a view to narrowing the areas of dispute and hopefully agreeing a valuation.
- 5.13 Now that the matter of a voluntary sale is live once again, the Council has confirmed to the owner that it will going forwards meet its reasonable legal and surveyor costs in relation to negotiating and concluding compensation, both pre and post confirmation of any CPO. This includes covering the reasonable cost of alternative dispute resolution. The Council is waiting to hear from Solicitors instructed by the owner in this regard.
- 5.14 Throughout this process, the Council has taken the consistent position that compulsory purchase would only become necessary where the owner failed to redevelop the property itself. It has received repeated assurances from the owner over a period of years that it was their intention to proceed to redevelop the site, and whilst progress has been slow, the Council has afforded them the time and space to implement their own proposals. However, in the face of the owner's failure to press on with demolition since planning permission was initially granted in October 2017, the Council has concluded that on balance, there appears to be little or no prospect of the owner developing the property and therefore now seeks to acquire the property in order that it can bring about redevelopment itself.
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The Council has commissioned an updated valuation report in respect of the property, to report on value and constructions costs of development. Now that these reports have been obtained and disclosed to the owner, the Council hopes that discussions can take place between it and the owner's expert with regards to the accurate value of the property, with a view to informing fruitful voluntary sale negotiations. This will continue in parallel with the process of moving towards a compulsory purchase, given that the Council seeks to avoid incurring any further delay in bringing about redevelopment for the benefit of the residents and visitors to Sheringham.

## **6 THE REDEVELOPMENT PROPOSALS**

The Council has two options to secure the redevelopment of the Order Land. The Council intends to choose which scheme to develop closer to the time of acquisition in order that it can make a contemporaneous decision taking into account market conditions as they prevail at that time. The two options proposed are set out below.

### Scheme Option 1

6.1 The Council has progressed a formal application for planning permission for the redevelopment of the Order Land in conjunction with its own land, which comprises the Chequers public car park, a small car park which contains some 34 spaces. The scheme has been prepared as a viable proposal to allow the Council to maximise the financial return on the concluded development and to increase the regeneration of this area of Sheringham. In this regard, it is coincidental that there is Council owned land next to the Order Land, and the Council wishes to explore making use of the potential opportunity to deliver a wider development outcome where this is found to be in the interests of the Council plus the district's inhabitants and visitors.

6.2 The Council has prepared a Scheme which would achieve the required visual and environmental improvements to the area and is described below. It is considered that this represents a viable means by which to meet the Council's adopted planning objectives.

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- 6.3 The development scheme is for a mixed use development of residential and commercial uses. The planning application was submitted in April 2017 (Ref: PF/17/0468) and permission was granted on 6 February 2018. The scheme allows for the comprehensive redevelopment and regeneration of the Order Land and the adjacent car park and is able to be implemented in the event that the owner's plans were not progressed.
- 6.4 The approved scheme is for a mixed use development comprising 4 commercial units and 10 apartments over three floors. The two sites combined have a total ground area of approximately 962 sq. metres.
- 6.5 The four commercial units on the ground floor will each have a floor area in the region of 80 sq. metres, and will be within Use Class A1/A2/A3/A4/A5. The 10 apartments would be located over three floors above the commercial units, four each on the first and second floors and two on the third floor. Apartments will consist of a mix of five 2 bedroom 3 person units and five 2 bedroom 4 person units, the majority of which range in floor area from 63 to 86 sq. metres. The exception being Unit 10 on the third floor which will have a floor area of 115 sq. metres
- 6.6 Due to level changes across the site, the proposed building would be stepped in height with the residential apartments on the eastern side of the site set approximately 1.5m lower than apartments on the western side of the site.
- 6.7 Vehicular access to the residents parking area will be from the east opposite The Crown Hotel and immediately north of No.1 Lifeboat Plain.
- 6.8 The development will use a palette of vernacular materials including red brick, flint and render to the walls under a roof of red plain tiles, with white joinery and a colour finish to the shop fronts.
- 6.9 The scheme incorporates the Chequers car park, located to the side of the Order Land, in order to secure a more comprehensive form of development and to improve the visual qualities of the area. The car park is presently open with no visual containment and further detracts from the character and appearance of the surrounding area. The Council considers that the proposed scheme would provide a more comprehensive form of redevelopment of this site and that it will
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have a beneficial effect by providing a greater feeling of enclosure along the street frontage and for views from the promenade, enhancing the street scene.

### Scheme Option 2

- 6.10 The Council also considers that it could implement the scheme which has been granted planning permission under reference PF/17/0192 on 25 October 2017. That scheme, outlined in paragraph 5.6 above, was granted for the Shannocks, the Order Land only and excludes the adjacent Chequers car park. The Council considers that whilst this would not provide the maximum redevelopment and improvement opportunity for the area, the most pressing issue of improving Shannocks would be secured.
- 6.11 The Council considers that the scheme approved under PF/17/0192 as amended would be viable. The scheme as approved will result in the demolition of the existing building and its replacement with a mixed use building providing some 786sqm of floorspace arranged over four storeys. The ground and first floors will include a mixture of restaurants/hot food/takeaway outlets and shops with part of the first and all the upper floors comprising a total of six, one and two bedroom flats.
- 6.12 The 2017 approved scheme comprises a contemporary design in contrast to the Council's own scheme. It is designed to occupy the full site area of the Shannocks Hotel and whilst overall, it is higher than the existing building, the proposed building uses flat and low-pitched roofs to minimise the increase in bulk. In addition, the fourth floor is set back reducing the impression of height and bulk on the key frontages along the Promenade (north elevation) and the High Street (west elevation).
- 6.13 The southern elevation backs onto existing properties along the High Street whilst the east elevation contains a limited number of small windows, which could allow some future redevelopment to take place on the adjacent Chequers car park site.
- 6.14 The building presents its main frontage onto the Promenade and accommodates the slope of the Promenade with slightly different ground floor levels within the three commercial units that occupy this frontage. The upper floor contains the
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restaurant to allow views out over the sea.

- 6.15 The building as approved, is to be constructed in a mix of pale coloured render with brick and flint elements reflecting local vernacular materials and colours.
- 6.16 The scheme provides no on-site parking provision reflecting its town centre location and the fact that the current building has no parking provision.
- 6.17 If the Council were to elect to progress with this Scheme Option 2, it would procure its own designs for delivering the Scheme within the remit of planning permission reference PF/17/0192, unless this lapses before development can commence, in which case the Council would be required to reapply for planning permission.

## **7 PLANNING POSITION OF THE ORDER SITE**

- 7.1 The Order Land is located within the centre of Sheringham and within the Sheringham Conservation Area. Current planning policies relating to this area are contained in the North Norfolk Development Plan which consists of the North Norfolk Core Strategy incorporating Development Control Policies September 2008 and the Site Allocations Development Plan Document (DPD) February 2011.
- 7.2 The Order Land is identified on the Proposals Map for Sheringham as being located within the Town Centre where Policy SS5 seeks, amongst other matters, to support the provision and retention of a broad range of shopping, commercial, cultural and other uses and also to support the tourist industry by encouraging new accommodation and attractions which will help diversify the offer and extend the season.
- 7.3 The site is also within the Conservation Area where Policy EN8 requires the character and appearance of Conservation Areas will be preserved, and where possible enhanced and to encourage the highest quality building design, townscape creation and landscaping in keeping with the defined areas.
- 7.4 Where proposals involve the demolition of non-listed buildings, the policy
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requires that they should be assessed against the contribution to the architectural or historic interest of the area made by that building. Buildings which make a positive contribution to the character or appearance of an area should be retained. Where a building makes little contribution to the area, consent for demolition will be given provided that, in appropriate cases, there are acceptable and detailed plans for any redevelopment or after-use.

7.5 The Order Land, particularly in its current dilapidated state makes no positive contribution to the Area and actively detracts from the character and appearance of the Conservation Area. It is considered that its demolition and replacement with the proposed scheme will bring about the enhancement of this part of the Conservation Area.

7.6 The site is also immediately adjacent to the area designated as Public Realm (policy EN5) which includes the Promenade and adjacent Chequers public car Park. Areas of Public Realm are those areas within settlements which are particularly important for the function and attractiveness of the town and the Policy is aimed at ensuring that all proposals in such areas (including highway works, shop front alterations, provision of public seating and landscaping etc) have regard to the appearance and usability of the area. The Core Strategy advises that a co-ordinated approach between developers, service providers and those who work within the area will be encouraged to achieve this. Accordingly the Policy states that:

*'Within areas designated as Public Realm proposals will be expected to enhance the overall appearance and usability of the area, and a co-ordinated approach to management will be encouraged'.*

7.7 The Order Land itself is not within the area of Public Realm as private buildings are excluded but the public car park adjacent to the property is as is the Promenade along East Cliff. The Order Land has a direct influence on this area of Public Realm being centrally located within the town and in a prominent position.

7.8 It is considered that the demolition of the existing building and the redevelopment of Shannoeks together with the Chequers car park will have a beneficial influence on the appearance and attractiveness of this part of Sheringham, and

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providing a greater sense of enclosure and presence along this street frontage. The introduction of commercial uses will further serve to enhance the offer of the town to tourism in accordance with Policy SS5.

## **8 SPECIAL CONSIDERATIONS**

The site lies within the Sheringham Conservation Area. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on Local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

## **9 VIEWS OF GOVERNMENT DEPARTMENTS**

9.1 None

## **10 HUMAN RIGHTS CONSIDERATIONS**

10.1 In considering that there is a compelling case in the public interest, the Council has taken into account the human rights of those with interests in the Order Land. The Council has, however, concluded that on balance the proposals are proportionate and necessary and that the public benefits of the proposals outweigh the impact on individuals and businesses affected. In particular regard has been given to Articles 1, 6 and 8 of the First Protocol to the European Convention on Human Rights and the Human Rights Act 1998 as outlined below.

10.2 Article 1 of First Protocol of the Convention provides that:

*“Every natural or legal person is entitled to peaceful enjoyment of his possessions” and “no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law”.*

10.3 Relevant parts of Article 8 of the Convention provide:

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*“(1) Everyone has the right to respect for his private and family life, his home and his correspondence. (2) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interest of ... the economic well-being of the country...”*

10.4 The property is currently unoccupied and therefore no residents are affected by the Compulsory Purchase of the Order Land.

10.5 The Council is permitted to control the use of property in accordance with the general interest and considers the exercise of powers of compulsory purchase in accordance with statute is a proportionate and justified course of action to secure in the public interest the economic, social and environmental well-being which will follow the implementation of this major redevelopment scheme.

10.6 If the Secretary of State agrees with the Council that there is a compelling case in the public interest, he may confirm the Order. If the Order is confirmed, compensation may be claimed by persons whose interests in land have been acquired or whose possession of land has been disturbed. In the circumstances, if the Order is confirmed, the compulsory acquisition of the Order Land will not conflict with Article 1 of the First Protocol or Article 8 of the Convention.

10.7 With regard to this Article 6 provides that:

*“In determining his civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”.*

10.8 So far as this Order is concerned, any owner, lessee, tenant or occupier of land included in the Order will have the opportunity to make an objection and, if the Secretary of State determines that a public inquiry or hearing should be held, to appear before a person appointed by the Secretary of State before a decision is made as to whether or not the Order should be confirmed.

## **11 INQUIRIES PROCEDURE RULES**

11.1 This statement is not intended to discharge North Norfolk District Council's obligations under Rule 7 of the Compulsory Purchase (Inquiries Procedure)

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Rules 2007 in the event of a public local inquiry being held.

## **12 CONTACTS FOR FURTHER INFORMATION**

- 12.1 Any queries in relation to this CPO can be raised with the Council's case officer in respect of the Scheme

## **13 DOCUMENTS, MAPS AND PLANS**

- 13.1 A list of documents related to the Scheme will be provided in due course and arrangements will be made for them to be available for public inspection at the Council Offices during normal office hours.



