

Planning Committee

04 February 2022

Agenda item number 7.1

BA/2021/0211/FUL – Broadgate, Horsefen Road, Ludham

Report by Planning Officer

Proposal

Change of use to dwelling and retail bakery (sui generis mixed use) including the erection of a single storey extension.

Applicant

Mr Alan Gepp

Recommendation

Refusal

Reason for referral to committee

Material considerations of significant weight raised by consultees and District Councillor

Application target date

20 August 2021

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1. Description of site and proposals

- 1.1. The subject comprises a detached dwelling, sited on the south-western side of Horsefen Road in Ludham which runs southwards from the main A1062 Yarmouth Road. The site is approximately 450m from the junction with the main road, approximately 85 metres south east of the nearest part of the Womack Staithe area, this being the public toilets, and approximately 175 metres south east of the small commercial area at the staithe. The building was originally part of the wider Womack Holidays site and utilised as a workshop / dinghy store. The lawful use of the property is as holiday accommodation restricted by planning condition. Its use as a holiday chalet was approved in March 1997 through an application made by the current applicant.
- 1.2. Being part of a holiday site, the subject property is in fairly close proximity to other properties which formed part of the Womack Holidays site, all of which comprise modest sized timber clad chalets. The subject dwelling is also timber clad and is larger than the adjacent buildings. To the south east of the site is further residential development of a more standard nature. All of these properties, including the subject property, have curtilages which extend to Womack Water.
- 1.3. Access to the site is from Horsefen Road. Originally this was only via a shared access which served all the Womack Holidays site properties, but the applicant has since formed a second access approximately 7 metres to the south east which serves the subject property only. There is no planning history of this work.
- 1.4. The proposal is for a new detached building to be used as a bakery with retail sales, which would be sited partly alongside and partly beyond the road elevation of the existing dwelling. The dwelling measures 8.3m by 8.7m, with a pitched roof to a maximum height of 5.5m, falling to 3.2m at eaves. The proposed building measures 4.9m by 5.7m, with a rounded roof maximum height of 3.75m, falling to 3.1m at eaves. The design and appearance of the proposed building would broadly match the existing dwelling, the notable difference being the roof design.
- 1.5. Along with the new building, a new third access to the site is proposed approximately 8 metres to the south east of the second access.
- 1.6. The site is within the Ludham Conservation Area.

2. Site history

- 2.1. In 1997 planning permission was granted for the change of use of former workshop / dinghy store to holiday chalet (BA/1996/2240/HISTAP).
- 2.2. In 1998 planning permission was granted for a variation of conditions 7 and 9 (landscaping and fencing) of consent reference 01 960750 PF (BA/1998/2098/HISTAP).
- 2.3. In 2021 the application made a request for pre-application advice in relation to use of the property for producing and selling baked goods (BA/2021/0027/PREAPP).

3. Consultations received

Parish Council

- 3.1. Please note that the Parish Council OBJECTS to this application on the basis that various planning policies are already being ignored, and the site is not suitable on any level.
- 3.2. The Council's objection is on the basis that the applicant is already contravening planning regulations in that the property is a holiday home and not residential (but the family is living in the property). TPO regulations are not being adhered to (I am led to believe). The property is already operating at maximum capacity. Verges are becoming damaged; the road has become blocked regularly due to vehicles coming to the bakery.

District Member

- 3.3. I have looked through the various documentation for this application and it is clear that the applicant has spent time trying to address issues within this area, while thinking about the adaption for their business venture. I think it is clear to see that this is an ambitious application. This being said, I do have concerns and ask that this application be sent to planning committee. This being on the grounds of other material considerations. I think that this application would need further scrutiny via the committee, due to its high-profile and contentious nature.
- 3.4. I do have concerns to the location of this proposed bakery. Horsefen Road is a narrow country lane with large amounts of traffic already and access problems. There is no path for pedestrians and trouble with access for those with disabilities or mobility problems, and those who require wheelchairs etc. This application does not go towards addressing this issue. More traffic would be encouraged due to the parking facilities and would exacerbate an already busy road. I am also concerned regarding parking facilities required within the plans. It has slight detail for mitigation measures but does not go far enough to address and resolve the issue of cars parking on the road. The size and spaces for parking is inadequate and would cause extra parking on the roadside and could be detrimental to safety.
- 3.5. I think this application is detailed but highlights the fact that this location is just not suitable due to the above highways issues. I do think that that this venture should be merited and encourage the applicants to find a more suitable location. This is something which myself, the local PC and BA could perhaps help with. I do wish the applicants well with this business venture.

Environment Agency

- 3.6. This should follow flood risk standing advice and we have no comments. The development is sequentially sited outside of the flood zone so cannot see any flood risk issues here anyway.

Norfolk County Council (NCC) Highways

- 3.7. Issues raised including lack of adequate provide for pedestrians people with disabilities (those confined to a wheelchair or others with mobility difficulties). Horsefen Road

serving the site considered to be inadequate to serve the development proposed, by reason of its poor alignment / restricted width / lack of passing provision, giving rise to conditions detrimental to highway safety. Lack of adequate visibility splays. The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities likely to lead to an undesirable increase in on-street parking to the detriment to highway safety.

- 3.8. Following the submission of further information provided by applicant the following comments were received: I note an aboricultural survey/report is now provided presumably to prove that on-site parking and visibility can be provided. Regardless of this and whether or not the parking or visibility are adequate there remains other reasons for highway objection to the proposal (suitability of Horsefen Road to serve the proposal and lack of pedestrian facilities) and accordingly the proposal remains unacceptable in highway terms.
- 3.9. The applicant has subsequently a Transport Report and the Highways Authority has been consulted. It has been indicated at an officer level that this does not address the concerns , however Members will be updated orally with the formal response.

North Norfolk District Council Environmental Protection

- 3.10. The Environmental Protection (EP) Team have reviewed the details provided and at present time there is insufficient information upon which the EP Team can provide a full consultation response, particularly in relation to noise and odour matters and in the absence of this essential information therefore, the EP Team wish to object to the application as proposed. The application represents a substantial change in comparison to the existing use of the premises which is situated in a residential area and in close proximity to neighbouring domestic dwellings. Additionally, a number of key elements within this application including (but not limited to) “noise”, “odour” and intended “days/hours of operation” (in relation to the potential impact from noise and odour), have not been adequately assessed, nor measures to mitigate the impacts of these aspects provided as appropriate to safeguard neighbouring residential amenity. In view of the limited information provided, which has not adequately demonstrated that the proposal will not have a detrimental impact upon nearby residential amenity, the EP Team wish to object to the application as proposed.

North Norfolk District Council Planning Policy

- 3.11. Thank you for advising of the proposal. Based on the information provided I would have no comments to make at this time.

BA Tree Officer

- 3.12. I have visited the site and reviewed the proposed new access. Whilst this proposed access is very close to the base of the existing TPO'd Oak tree I feel there is some scope for the access if the correct construction detail is used. I would suggest that a "no-dig" solution be used to raise the proposed access and therefore minimise the potential impact on the roots of the tree.

BA Historic Environment Manager

- 3.13. The site sits within the Ludham Conservation Area amongst a cluster of similar timber-clad chalet buildings set on relatively large sites between Womack Water and Horsefen Road. The chalets are positioned in an ad hoc manner and for this reason I think the position of the proposed extension slightly further towards the street would be considered acceptable. The form and cladding of the extension will match that of the main building, albeit at a smaller scale. Some materials will need to be conditioned, including that of the porch canopy and further details of this feature should also be provided or detailed by condition. Will some form of flue also be needed for extract ventilation? If so, this needs to be shown on the elevations and details provided.
- 3.14. To summarise the position: form, scale and materials for the proposed extension mean that it is considered acceptable in design terms and is unlikely to cause harm to the character or appearance of the conservation area.

4. Representations

- 4.1. Six responses were received, raising the following relevant points:
- Property being lived all year round despite it being a holiday (10/12 month) property.
 - Site too small to accommodate a business.
 - Site currently accommodates three road vehicles, a trailer, a dumper truck, a mini digger and a derelict boat on a trailer. At the present time an extra vehicle is on the site.
 - Horsefen Road is a single carriageway road carrying traffic to and from the Sailing Base, the Wherry Base, Buttifants Boat Yard and several residential homes. It can be quite busy at times.
 - Insufficient room on the site to accommodate customer parking.
 - Traffic already uses the private entrance to the Holiday Site as a turning place causing some damage to the gravel surface.
 - The requested hours of business (0600 to 1800, 7 days a week) are quite unacceptable.
 - Increase in traffic by car and by foot proposed hours 6am to 6 pm 7 days a week would cause a great deal of light and noise pollution on all current chalet owners.
 - Impact on residents due to extra traffic turning in driveway along the road, vehicles blocking the narrow carriageway and pedestrians standing in the road.
 - Additional pedestrian footfall is dangerous on a single width road.

- Cars turns around in the shared drive, cars being left right across my drive whilst the driver gets out to order or pick up their produce, and cars which park right up against my hedge making it difficult to turn out of the drive onto the narrow road.
- Emergency vehicles would not be able to get through if there is additional traffic and congestion.
- Should the business grow in future and the customer base using vehicles increase, this will become quite unacceptable in an area that is supposed to be rural and peaceful.
- Customers queue in the road.
- This enterprise should be moved to a proper business site elsewhere.
- Unsuitable area to run current and grow a viable business.
- This area is a small rural quiet second home community and would be greatly impacted by the application.
- Bakery would be more appropriate in the village centre.
- Opportunity to rent/purchase a building in village for the purpose stated was not taken up.
- Advertising signs outside the property and further up the road attached to a vehicle cause further unnecessary obstruction.
- There will be no increase in employment in the area through this development.
- Shared entrance to the bungalows site is already used as a turnaround for vehicles attending bakery.
- Hedgerows have already been thinned and sections removed to make access. In a conservation area this is not acceptable.
- Such a development is not needed. There is no need for a holiday dwelling to develop this business.
- Site is already overdeveloped.
- Loss of hedges along Horsefen road which currently screens at least two of the chalets from the road and the potential damage to an oak tree with a TPO.
- Removing this large area of existing hedge / shrubs and mixed trees would impact even more on our privacy opening us up to more noise from the road and making our property directly exposed to all users of Horsefen Road.
- Proposed new in and out drive has also the potential to cause damage to nearby water meters for at least three of the timber chalets.
- Too many tbc items on the plan, leaving many unanswered questions.

- No details on lighting and signal etc. which would have enough impact on the feel of local area.
- Concern over future expansion of the business.
- If this business became unviable then the extension would be used for extra accommodation space.
- The current bakery sign, mounted on a workbench stands on the highway, making it impossible for two way traffic. This is made worse when people are waiting as they stand in the middle of the road.
- Any plans must encourage the cars to park on the land belonging to the bakery and they must find a way of moving the sign off the road.
- The proposal would increase the footprint of the existing property by 50%. We would dispute the view that this is "modest and commensurate".
- Not in accordance with Policy SP1 in relation to adverse impacts.
- Not in accordance with Policy DM8 due to loss of hedgerow and impacts on oak tree with TPO.
- Proposal encourages use of cars which must go against current planning in regard to climate change.
- Not in accordance with Policy DM21. Light pollution from vehicle headlights will shine straight into Willows, and Pines. Odours from cars turning.
- Not in accordance with Policy SP10, does not lead to any employment opportunities and it does impact on the special quality of the area by potentially increasing traffic.

5. Policies

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 5.2. The following policies were used in the determination of the application:
 - DM5 - Development and Flood Risk
 - DM11 - Heritage Assets
 - DM13 - Natural Environment
 - DM16 - Development and Landscape
 - DM21 - Amenity
 - DM23 - Transport, Highways & Access
 - DM29 - Sustainable Tourism & Recreation Development

- DM43 - Design
- DM44 - Visitor & Community Facilities and Services
- DM49 - Advertisements and Signs
- DM51 - Retail development in the Broads

5.3. Other material considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Norfolk District Council Core Strategy (adopted 2008)

6. Assessment

6.1. The proposal is for a change of use to a dwelling and retail bakery (sui generis mixed use) including the erection of a single storey extension. The main issues in the determination of this application are the principle of development and the suitability of the site for the proposed commercial use, design and landscape, impact on amenity of neighbouring residents, and parking provision and highways.

Principle of development

6.2. The principle of development in this case relates to the siting of a commercial business at the subject site, this being outside of a village centre location. The relevant policy to consider firstly is Policy DM51 of the Local Plan for the Broads, this addressing retail development in the Broads area. The policy requires under criterion (i) that consideration is given to national policy, in this case Paragraphs 86 to 91 of the National Planning Policy Framework (NPPF), this addressing the vitality of town centres. Consideration is also given under criteria (ii) and (iii) to local plan policy and evidence of the district in which the proposal is located, in this case Policy EC5 of the North Norfolk District Council (NNDC) Core Strategy, this addressing Location of Retail and Commercial Leisure Development.

6.3. The NPPF under Paragraph 87 requires that local planning authorities apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan. The sequential test stipulates that main town centre uses should be located:

- in town centres
- then in edge of centre locations
- only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

6.4. NNDC Policy EC5 is concerned with strengthening the role of market towns and other appropriate rural settlements as service centres through, amongst other things,

enhancing the vitality and viability of their centres. Ludham is considered to be a service centre, however the Local Plan does not specify whether the subject site is within the service centre designation.

- 6.5. It is important to consider the main aspects of the relevant policies. The overriding purpose in respect of this application is to ensure that new retail development does not undermine the vitality and viability of the service centre.
- 6.6. The subject site is clearly separated from what would be considered as the village centre, this being where the convenience store including Post Office, pub, butchers, and garage are sited, approximately 700m to the north west of the subject site. There is a secondary area at Womack Staithe comprising a visitor friendly general store, a fishing tackle shop, and an antiques shop; these are approximately 175m to the north west of the site. Although not so far from the subject site, the separation is total in that one site cannot be viewed from the other, and there are a number of dwellings in between. This can be demonstrated by the need for the applicant to advertise his business at the staithe, this being done through the parking of a vehicle in the passing bay near the public toilet. In addition, customer parking is required at the site, rather than relying on parking at the staithe or in the village centre.
- 6.7. The separation between the two commercial areas and the subject site means that it cannot be considered as part of either of those two areas. Taking into account the scale of the proposed bakery and the particular niche within which the proposed provision lies, namely an artisan bakery, it would be reasonable to assert that this would only have an impact on similar provision. Whilst there are outlets in Ludham that provide bread and other similar products, such as the convenience store and the visitor friendly general store on the Staithe, bakery is not the prime function of either shop, and the produce is not considered to be of the type considered as artisan. It would therefore not be reasonable to assert that the subject bakery would have an unacceptable impact on the vitality and viability of existing businesses or the two commercial areas.
- 6.8. The other aspect to consider is whether a sequentially preferable site is available, suitable and viable. At present there are no suitable sites available in Ludham, it is noted that this situation was also noted in the pre-application response from March 2021. It is therefore considered that the proposed location is acceptable when considering the specific policy requirement.
- 6.9. The proposed development is considered to be in accordance with the overarching principles of the NPPF, relevant Local Plan of the district in which the site is located, and criterion b) of Policy DM51 of the Local Plan for the Broads, this being to ensure the vitality and viability of the village centre and the various commercial interests. It is noted that NNDC Planning Policy have advised that they do not have any comment to make at this time.
- 6.10. Policy DM51 of the Local Plan for the Broads goes on to require two further areas of consideration for retail development. Firstly, under criterion a) that the scale is

commensurate with the size of the settlement. The scale of the proposed business is appropriate taking into account the size of Ludham village.

- 6.11. The second aspect under Policy DM51 is criterion (c) which requires the proposal to be in accordance with other policies of the development plan. Of relevance to consideration of the principle of the proposal is Policy DM44 which considers visitor and community facilities and services. The supporting text includes shops as a community facility. Taking into account the applicant's supporting statement it would also be reasonable to assess this as a visitor facility. Of relevance here is the section regarding development of new buildings, specifically criterion (f) which requires that the development is in a sustainable location and accessible by a choice of transport modes, this reflecting paragraph 88 of the NPPF.
- 6.12. The location of the site as examined above is not within the service centre, or the secondary area at Womack Staithe. Visitors to the site would be reliant on private vehicle to access the site, arriving by bicycle, or on foot having arrived for example at the staithe by boat, or having alighted from a bus at the main road to the north. Whilst the distance from the main road or staithe is not such that access on foot would be unreasonable, there is an absolute lack of footpath along Horsefen Road which is subject to blind bends lessening clear vision and areas where pedestrian refuge is difficult. It is not considered to be reasonable or acceptable to include pedestrian access from the main road or staithe where this access cannot be demonstrably safe. With this in mind, the only safe access is by vehicle or bicycle, which is not considered to represent a choice of transport modes. The location of the proposed bakery is therefore not considered represent a sustainable location, and in principle would not be acceptable and is contrary to Policies DM44 and DM51 of the Local Plan for the Broads, and the NPPF which puts sustainable development at the heart of decision making.

Design and impact upon the landscape

- 6.13. The proposal is for a reasonably modest sized building which replicates the main form, appearance, and finish of the dwelling on site, with the notable exception being a curved roof rather than a pitched roof. The building is smaller in footprint and height so achieves a clear hierarchy of buildings on site which helps maintain the overall appearance of the site. The BA Historic Environment Manager in providing design advice has accepted that a position slightly further towards the street would be acceptable, and that the curved roof in some ways helps to differentiate between the residential and commercial elements of the building and is low in profile so will not be too visually prominent within the Ludham Conservation Area. Materials and design features such as the porch canopy would require further details to be submitted but it would be reasonable to require these by planning condition.
- 6.14. The siting is within the former Womack holidays site which comprises a collection of modest sized timber chalets. The proposed building would satisfactorily complement development on this section of Horsefen Road. Additional entrances to the site are

proposed, this would involve the loss of some hedging which fronts the highway. Views of the site are reasonably restricted from the wider surrounding area, neither the proposed building nor the additional entrances would undermine the appearance of the area or Broads landscape, and would not be detrimental to the character and appearance of the Conservation Area. The proposal is therefore considered acceptable with regard to Policies DM11, DM16, and DM43 of the Local Plan for the Broads.

Amenity of residential properties

- 6.15. The former Womack holidays site, in comprising small timber chalets for holiday occupation, provides less separation between buildings than is commonly the case with detached properties, with any issues of noise or disturbance potentially exacerbated by the lightweight construction, along with the haphazardly staggered layout. The nearest dwelling to the subject dwelling is the Willows, with a separation of approximately 12 metres; Chestnuts and the Pines have a separation of approximately 17 metres. Taking into account the lack of information provided following the concerns raised by NNDC Environmental Protection Team it is not possible to reasonably assess the potential impacts on neighbour amenity in relation to noise and odour.
- 6.16. The Environmental Protection Team response is detailed above in paragraph 3.9. Their request for a Noise and Odour Impact Assessment has been brought to the attention of the applicant on a number of occasions during the determination period. The need for further information was reiterated to the applicant at an on-site meeting with the applicant, Planning Officer, and the Senior Environmental Protection Officer and Senior Commercial Officer from NNDC in October 2021, at which the potential issues with the proposal were discussed and possible ways forward were outlined. At the present time no further information has been provided; the applicant has confirmed that no further information will be provided prior to a decision being made. The Local Planning Authority is therefore left with no option but to recommend refusal on the basis of a lack of information to reasonably demonstrate that the proposal will not have an adverse impact on the amenity of neighbouring residents in relation to noise and odour from the operation of the proposed bakery within the proposed building, contrary to Policy DM21 of the Local Plan for the Broads and the NPPF.
- 6.17. The other potential impact on neighbour amenity is due to the increase in visitors to the site brought about by the operation of the bakery. The former Womack holidays site is a fairly compact provision of timber chalets, with limited separation distances between these and the proposed bakery building. The applicant has estimated up to 40 customers per day, although this figure could not effectively be controlled as a maximum. Even at 40 customers per day, that is 40 extra visits to a residential site which would otherwise not take place. This simple fact would evidently alter the use of the site and represents, in comparison to the existing use, a marked intensification. This intensification of use would have an impact on the amenity enjoyed by residential neighbours as 40 members of the public would be visiting the site, just the other side of a boundary hedge and with limited separation, 7 days a week. The activity and sound, and potential loss of privacy, in addition to the perceived loss of privacy would be

demonstrably different to the existing situation and would be out of keeping and character with the existing use of the site to the detriment of the amenity currently enjoyed by neighbouring residents, contrary to Policy DM21 of the Local Plan for the Broads.

- 6.18. The access and parking for customers arriving by vehicle is less than 10 metres from the nearest dwelling. Whilst it is accepted that between the bakery access and parking and the nearest dwelling is a shared access serving three properties of the former Womack holidays site, this is not reasonably comparable as one is an access for three dwellings, the other is access for a commercial premises, the use of which is unpredictable and not possible to control, an issue raised by the Highways Authority . The applicant has stated that he expects most customers to arrive on foot, but there is nothing to stop customers arriving by car, and once a business becomes established its popularity could fundamentally change how it draws in its custom. Multiple car visits from 6am to 6pm, 7 days a week has the obvious potential to have a demonstrable impact on the amenity currently enjoyed by neighbours, which would be exacerbated if multiple cars arrived at the same time and had to queue at the site. With the best will of the site owner, these are not elements that can be controlled.
- 6.19. The issues raised by the Environmental Protection Team may potentially be addressed through submission of a suitable assessment, but the potential impacts on neighbour amenity as a result of an intensification of use of the site in what is a residential area is not something that appears to be capable of being realistically controlled through planning restrictions. In effect this relies on the business not being particularly successful. It is therefore considered that the siting of the proposed commercial business in a residential area has an unacceptable potential to impact on the amenity enjoyed by residential neighbours, contrary to Policy DM21 of the Local Plan for the Broads.

Highways and public rights of way

- 6.20. Norfolk County Council (NCC) as Highways Authority have responded to a number of requests for a response, including at pre-application stage. They have consistently cited issues of highway safety in respect of pedestrians and people with disabilities visiting the site, the inadequacy of Horsefen Road to serve the site, by reason of its poor alignment / restricted width / lack of passing provision. In addition they cited issues of visibility at the site access, and inadequate parking provision.
- 6.21. Following submission of additional information, the Highways Authority acknowledged that the issue of visibility and onsite parking appear to have been resolved, but maintained an objection on the issues of highway safety stating that
- Regardless of whether or not the parking or visibility are adequate there remains other reasons for highway objection to the proposal (suitability of Horsefen Road to serve the proposal and lack of pedestrian facilities) and accordingly the proposal remains unacceptable in highway terms.*

- 6.22. The applicant sought input from a transport consultant who made initial comments on the highway safety situation. The Highway Authority clarified their position stating:

This proposal clearly will increase the vehicular use of Horsefen Road a narrow poorly aligned road which has no formalised pedestrian facilities, uses an unsatisfactory vehicular access point in terms of visibility and provides only limited on-site parking provision. Horsefen Road is well used by pedestrians and introducing a commercial use without adequate access or parking facilities cannot but add to the risks encountered by these pedestrians and other vulnerable road users (VRU's) as well as the additional pedestrians/VRU's encouraged to the site by the proposal.

- 6.23. It is clear from the Highway Authority comments that the nature of Horsefen Road, being a narrow carriageway with poor alignment and no provision for pedestrians, along with areas that provide limited pedestrian refuge, make it unsuitable for the subject proposal which would increase traffic on the road, and significantly increase the number of pedestrians having to use the road for access to the site. As noted by the Highways Authority: *A lack of personal injury accidents in the locality is fortunate and introducing any sub-standard proposal increases the risks of such accidents occurring.* The proposed use of the site to provide a bakery would have an impact on highway safety and is therefore unacceptable and contrary to Policy DM23 of the Local Plan for the Broads.
- 6.24. In response to this the applicant has provided a transport survey which has been passed onto the Highways Authority. Officers of the Highways Authority have indicated that the information does not address the concerns, however the formal response has not yet been received and members will be updated verbally at the meeting. Any further comments received will be uploaded to the online planning system.

Other issues

- 6.25. In relation to flood risk, the Environment Agency commented that the development is sequentially sited outside of the flood zone and should follow flood risk standing advice. The applicant has submitted a flood risk assessment which deals with the issues of surface water, access and evacuation, and floor levels to some extent. Taking into account the information provided and the standing advice it is considered that the proposed development is acceptable with regard to Policy DM5 of the Local Plan for the Broads.
- 6.26. In relation to impact on trees, namely an oak tree subject to a TPO to the road side of the site which would be sited between the customer vehicle entrance and exit, the BA tree officer has raised no objection subject to the newly created access (the customer vehicle exit) using the correct construction detail. In this case that would comprise a "no-dig" solution which would minimise the potential impact on the roots of the tree; this could be reasonably secured by planning condition. Subject to this the proposed development is acceptable with regard to Policy DM16 of the Local Plan for the Broads.

7. Conclusion and recommendation

7.1. That planning permission be refused for the following reasons:

1. The proposed bakery with retail sales is not considered to be sustainably located, is poorly linked to the village of Ludham, and not accessible by a range of transport modes, contrary to Policies DM44 and DM51 of the Local Plan for the Broads, and the NPPF.
2. The proposed bakery with retail sales would result in a type of use and intensification of use which is out of keeping and character with the predominantly residential surrounding area, to the detriment of the amenity enjoyed by neighbouring residents, contrary to Policy DM21 of the Local Plan for the Broads.
3. Insufficient information has been provided to ensure that impact from the function of the proposed bakery in terms of noise and odour would be at an acceptable level, contrary to Policy DM21 of the Local Plan for the Broads.
4. The site of the proposed bakery is not accessible by footpath and the access road is a single carriageway with blind bends and areas with poor pedestrian refuge. The proposed development does not adequately provide for pedestrians and people with disabilities (those confined to a wheelchair or others with mobility difficulties), contrary to Policy DM23 of the Local Plan for the Broads.
5. Horsefen Road serving the site is considered to be inadequate to serve the development proposed, by reason of its poor alignment / restricted width / lack of passing provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety, contrary to Policy DM23 of the Local Plan for the Broads and the NPPF.

8. Reason for recommendation

- 8.1. The proposal is considered to be contrary Policies DM21, DM23, DM44, and DM51 of the Local Plan for the Broads and the National Planning Policy Framework (2021) which is a material consideration in the determination of this application.

Author: Nigel Catherall

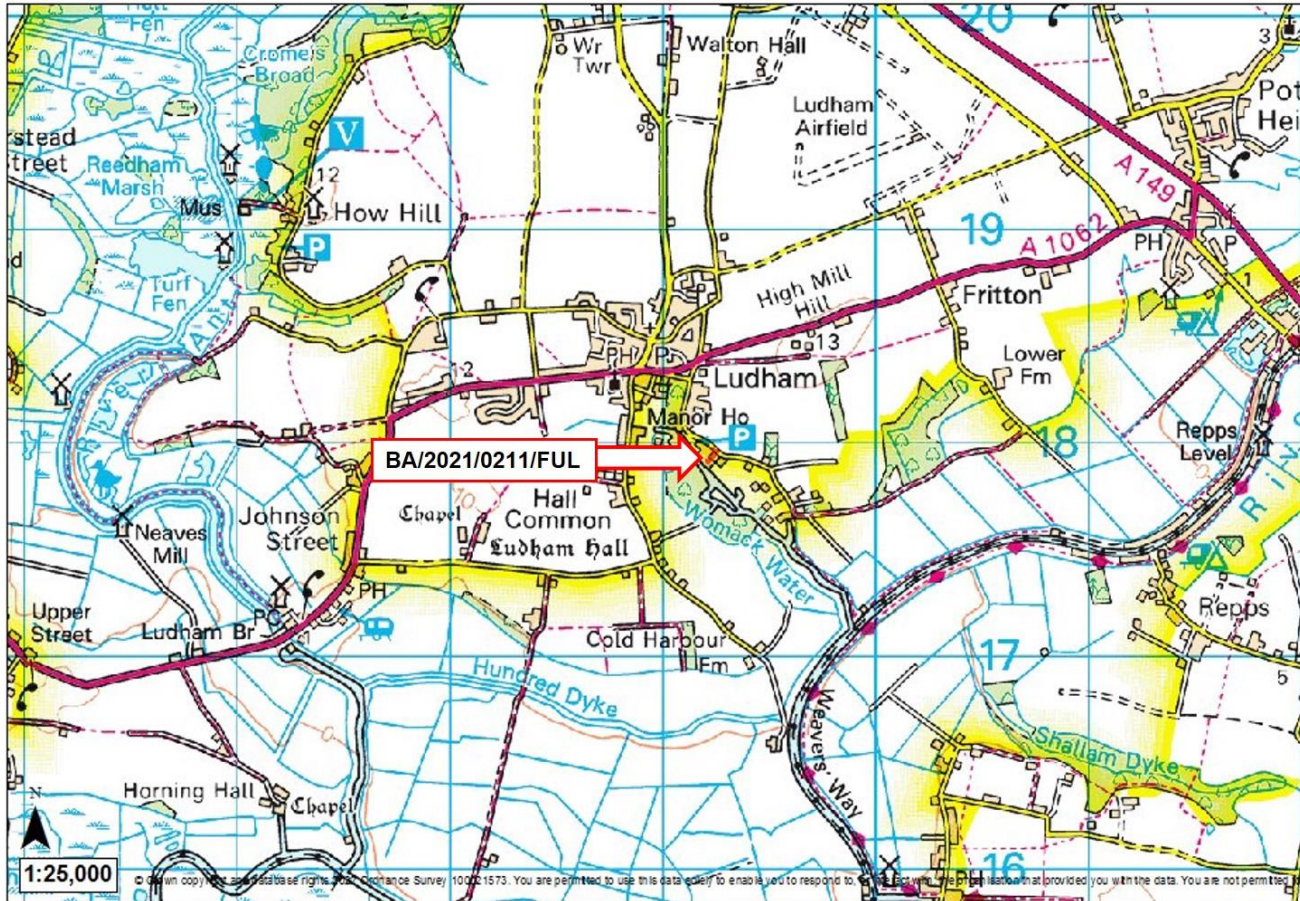
Date of report: 25 January 2022

Background papers: BA/2021/0211/FUL

Appendix 1 – Location map

Appendix 1 – Location map

BA/2021/0211/FUL - Broadgate, Horsefen Road, Ludham, NR29 5QG



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