

# Planning Committee

04 March 2022

Agenda item number 7.1

## BA/2021/0145/FUL- Ludham- Ludham Stores Johnson Street- development of cafe and creation of holiday lets

Report by Senior Planning Officer

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### Proposal

Proposed demolition of the existing Ludham Bridge Stores and Wayfares cafe for the erection of a replacement building and extension to accommodate a new cafe and store, alongside 3 proposed holiday lets to the rear.

### Applicant

Mr N Guyton

### Recommendation

Approve, subject to conditions

### Reason for referral to committee

Material considerations of significant weight raised by District Councillor

### Application target date

7 July 2021

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## **1. Description of site and proposals**

- 1.1. Ludham Bridge, named after the bridge which crosses the River Ant, is a small disparate settlement to the east of Horning and to the south west of Ludham and Potter Heigham. Development is to the east of the River Ant and is characterised by a small number of boat yard buildings and moorings to the south east of the bridge, the application site and a timber bungalow to the north east also alongside the river, with a chalet bungalow and toilet block to the east of these buildings. Further to the east, for the most part the land is characterised by views into open countryside, although there are some developments to the east of the bridge along the A1062 road including dwellings, a public house, a camp site and the public toilet block. It is important to note that this is however, interspersed amongst countryside and is for the most part a separate settlement of Johnson Street. To the west of the bridge is an area of marshland and grazing land with open views for some distance.
- 1.2. The site is a prominent landmark by virtue of the two-storey main building which is used as a café, visible from the River Ant, footpaths and road network which is popular with boaters and other tourists due to the proximity to the river, cycle route and

popular tourist villages of Ludham and Horning. The rest of the site is made up of an adjoining single storey flat roof section of building closest to the river which is used as general stores. The two-storey section has a ridge height of 7.1m and eaves height of 5.1m. The single storey shop flat roof is 2.5m in height.

- 1.3. On the opposite side of the central site access is a single storey block, with part flat roof and part pitched roof which operates as a pair of shops. To the rear of the buildings is a cafe garden with some seating, ad hoc car parking area (gravel) and covered car port. To the north and west boundaries of the site are two detached residential properties, one of which shares the western most access to this application site. The northern boundary is characterised by a mature hedge which has a number of gaps and has seen recent clearing by the applicant. The road side boundary is open and there are two points of vehicular access. There is a drainage ditch between the application site and the flood defence and river bank to the east. The boundary on the west side of the site is demarcated with a timber panel fence.
- 1.4. Planning permission is sought for the demolition of the existing two storey Wayfarers Café building, which has a residential flat above, and adjoining single storey Ludham Bridge Stores building to the west. Following demolition, it is proposed to erect a replacement part two-storey, part single storey building to house a café, shop and first floor flat. The flat roof space above the single storey café would form a roof seating terrace for use by the café. This terrace is accessed by internal stairs. This replacement café and shop building follows quite similarly the footprint and form of the existing building, or that of the previously approved café refurbishment (ref. BA/2018/0222/FUL).
- 1.5. The proposal would see a two storey replacement of the café with two-bedroomed flat above. The design has been amended several times and the final design includes the use of Norfolk red brick to the ground floor, black timber cladding at first floor and grey pantiles to the roof. The ridge height of the two storey section is proposed to be 9.0m from the ground level at the front (south, road facing elevation). The flat roof section including balustrade would be approximately 4.0m tall when measured from ground level at the front (south, road facing elevation). The café kitchen flue would extend 0.7m higher than the ridge. The ground floor level of the café and shop will be 0.80m AOD and the first floor flat and roof terrace will be set at 3.80m AOD.
- 1.6. In addition to the replacement café, shop and residential flat, the application seeks permission for an additional three elevated flats for holiday rental towards the rear of the café. The flats would run parallel with the site's western boundary (and the river), and have views of the River Ant. This building would be linked physically to the replacement shop and café building by a flat roof element. The proposed flats are elevated due to the modelled flood risk levels, with their finished floor level being set at 2.0m above AOD. The space below these holiday apartments is open and is proposed to be used as undercroft storage.
- 1.7. The three holiday flats are proposed as two- bedroomed flats with an open plan living accommodation opening up onto west facing balconies on the top floor. The access is

via individual staircases from ground level. The building has a dual pitched roof with a central ridge which is 8.9m tall. The external materials as proposed are black timber cladding and a metal profiled roof. The ground floor of the holiday lets will be set at 1.80m AOD and the first floor will be set at 4.47m AOD.

- 1.8. Parking will be to the rear of the new café/shop building using the existing access.

## **2. Site history**

- 2.1. BA/2019/0361/FUL Demolition and redevelopment of Ludham Bridge Stores, Wayfarers Cafe and flat; removal of existing pop-up shops and erection of two elevated holiday lets with undercroft carparking. Planning permission refused on grounds of no information provided on the need and financial viability of the accommodation, unacceptable design and insufficient information on flood risk.
- 2.2. BA/2018/0222/FUL External refurbishment of existing buildings and extensions to Wayfarers Café. Approved subject to conditions.

## **3. Consultations received**

### **Ludham Parish Council**

- 3.1. The Parish Council OBJECTS to this application on the basis of the following:

Highways concerns

The Parish Council is also extremely concerned that if this application is ever approved that the holiday accommodation REMAINS AS holiday accommodation.

The Parish Council is also extremely concerned that if this application is ever approved that the dyke remains clear of debris.

There are also various conditions which the Parish Council is keen that the applicant should adhere to.

As always with all planning applications, please note that Ludham Parish Council has a dark skies policy.

### **Environment Agency**

- 3.2. We have reviewed the application as submitted and have no objections. We are including advisory comments.

### **Norfolk County Council (NCC) Highways**

- 3.3. No objection subject to a condition requiring the parking layout.

### **BA Ecology**

- 3.4. No objection subject to suggested conditions and informatives.

### **Anglian Water**

- 3.5. No objection and confirmation that the foul drainage is sufficient to accommodate the additional holiday units. Condition requesting a surface water management strategy,

### **Internal Drainage Board**

- 3.6. The proposed works will require a licence as they are within 9m of a watercourse.

### **BA Landscape**

- 3.7. Landscape information remains unclear and amended plans and sections don't address all previous comments, mainly:

- The proposed building line remains too close to the ditch to allow for a natural bank treatment and could pose a risk at construction stage to the waterway.
- Treatment of the bank along the ditch shown on landscape plan (March 2021) includes marginal planting which is supported, but Site section C-C on drawing 11-2021 has a vertical structure/wall which would not allow for this.
- Drainage especially of car park area should be permeable/sustainable but there seems to be no information on this.
- The levels on section D-D are rather confusing and are 'indicative only'. There doesn't seem to have been any related revision to the landscape plan to indicate how the frontage would be treated.
- The opportunity to improve the Norwich Road streetscape is not being taken.

There is not enough information or clarity to give confidence that landscape proposals and mitigation would be adequate, or to allow landscaping to be left to a condition.

I remain unable to support the scheme but would be pleased to reconsider an amended scheme, with clarification and additional information.

### **BA Historic Environment Manager**

- 3.8. In terms of the building design my last comments appear to have largely been addressed, although the position of the proposed fascia does not work on the front gable so signage will need to be reconsidered. My previous comments about the quality of the detailing and materials, as well as the need to address Tim's (landscape architect) landscape concerns still apply, but generally I am content with the principle of the development.

### **Ward Member**

- 3.9. Request for the application to be determined by Planning Committee because of concerns over foul drainage, the design and requirement for screening and landscaping.

### **NNDC Environmental Protection**

- 3.10. No objections subject to conditions and informatives.

## 4. Representations

4.1. Representations were originally received from 16 households and the Broads Society. In response to the amended scheme there were two representations.

- Impact on amenity from holidaymakers
- The buildings are too large in scale
- Design and materials are unsympathetic
- Existing sewer system is poor
- Concern about the stability of the land
- Concern that the holiday lets will become full residential
- No confidence that the landscaping will be implemented
- Concern about impact on wildlife
- Concern at the loss of an iconic landmark
- Loss of a thriving business
- No room for outside seating
- Increase in flood risk
- Loss of view

## 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:

- DM4 - Water Efficiency
- SP2 - Strategic Flood Risk Policy
- DM5 - Development and Flood Risk
- DM6 - Surface water run-off
- DM13 - Natural Environment
- DM16 – Development & Landscape
- DM21 - Amenity
- DM22 - Light pollution and dark skies
- DM23 - Transport, highways and access
- SP12 - Sustainable Tourism
- DM29 - Sustainable Tourism and Recreation Development
- DM30 - Holiday Accommodation - New and Retention
- DM40 - Replacement Dwellings
- DM43 - Design

- DM51 - Retail development in the Broads.

## 6. Assessment

- 6.1. The key considerations in dealing with this application are: the principle of development; design and landscape; neighbouring and future occupant amenity; accessibility to the site and flood risk associated with the proposed development. Other issues will also be considered, including sewerage capacity and effect upon existing services.

### Principle of development

- 6.2. The principle of development can be broken up into two elements: firstly, the demolition and replacement of the café, shop and existing flat and secondly, the erection of three new holiday units to the rear.
- 6.3. In policy terms, the aspect of the development related to the demolition and replacement of the café, flat and shop is supported by planning policy. The site is an established tourist site and the proposed replacement of the building housing one of the shops on site and the café is generally supported by Policy SP12 (Sustainable Tourism) and Policy DM29 (Sustainable tourism and recreation development) of the Local Plan for the Broads 2019. The effective like-for-like replacement of the existing flat at first floor level is also supported in principle because it complies with the aims of Policy DM40 (Replacement dwellings) of the Local Plan for the Broads.
- 6.4. Policy SP12 seeks to encourage high quality and inclusive tourism infrastructure which is sustainable. The criteria of this policy seek to encourage a network of tourist facilities throughout the Broads, of which Ludham Bride is an existing example (Criteria (i) of SP12). The siting of this proposed café and shop redevelopment is considered sustainable as it is an existing tourist site and therefore also complies with Policy DM29 part (a) (ii). The tourist offer proposed to be provided is wide ranging, which is also supported by Policy SP12 and the renovations would maintain this provision for the long term which is positive. The site itself is accessible by a variety of means with a direct safe walking route to a large area of 24 hour visitor moorings on the Broads river network, as well as a pedestrian link to the services in Johnston Street (public house, public toilets, campsite etc). There are options to visit the site by bicycle as the A1062 is part of a cycle route linking Hoveton/Wroxham (railway station), Horning, Ludham and Potter Heigham.
- 6.5. The replacement of the flat meets the four criteria of Policy DM40 in that the existing flat has a lawful use; the building is not worthy of particular retention due to its historic, cultural or architectural significance; the scale, design and external appearance of the replacement building is acceptable in this location and the proposal is within the same footprint of the existing development. These elements will be discussed in more detail below.
- 6.6. Turning to the second element of the scheme, the proposed development of the site for additional holiday accommodation. Policy DM29 of the Local Plan for the Broads

supports new tourism development where it is closely associated with an existing tourism site/visitor attraction. One of the reasons for the earlier refusal (BA/2019/0361/FUL) was that there was no evidence provided to comply with Policy DM30 (c) which requires evidence that the proposed holiday accommodation has been planned on a sound financial basis. A Viability Assessment has been submitted in support of this application and this also includes information taking into account demand for this type of self catering holiday accommodation. The additional accommodation would support the investment in the café and shop and the application is considered to be policy compliant in this regard.

### Landscape and Design

- 6.7. Design quality and landscape impact in the nationally protected Broads landscape runs to the heart of most decisions when considering the principle of development in the Broads Authority area. The NPPF sets out in paragraph 174 part A that “decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes”. The area in question is part of The Broads, and is a particularly prominent location in a predominantly open, rural environment with only intermittent built development. Policies SP12, DM29, DM40, some of the policies referenced in the previous section, all relate back to good quality design and a requirement to enhance or preserve the character and appearance of the Broads landscape.
- 6.8. The area in which Ludham Bridge Stores sits is a focal point behind flood defence banks of the River Ant, one of the main rivers making up the Broads network. The elevated bridge and river is flanked to the east by a small number of relatively unobtrusive buildings which are of simple design, generally low massing and well screened by existing hedgerows and trees. The existing stores building and bridge are the most prominent structures in the landscape and these are visible from the water, footpaths running adjacent to the river and also from the road and longer distance views.
- 6.9. The amended design has taken into account previous comments from the Historic Environment Manager and Landscape Officer. The main change is the materials, with Norfolk red brick, black timber cladding and grey pantiles now proposed. The roadside building will be taller than the existing structure, with an increase in ridge height of 1.9m for the two-storey element and 1.3 for the flat roof section, but it maintains a flat roof element to the river side to break up the mass of built form.
- 6.10. The residential accommodation at the rear is raised to take account of flood risk. The ridge height of this structure has been reduced as much as possible to meet Building Regulations, and is proposed at 8.9m which is 0.2m lower than the ridge on the two-storey building. Whilst this element is new, and will change the appearance of the site, it is set back from the river with an intervening car parking area and dyke and so, with some landscaping, it is not considered on balance that it will have a detrimental impact on the character and appearance of the area.



- 6.11. It should be noted that the previous design, which was the subject of the refusal notice, was significantly more cluttered with a large element of glass balustrade along the river fronting elevation. The design has been simplified and together with the change in materials is not considered to be unacceptable in terms of design and is in compliance with Policy DM43 and the design criteria specified in Policy DM29 ((b) (viii, ix and xi)).
- 6.12. A landscaping scheme has been included with the application and additional information has been provided relating to cross sections of the site. There is still an objection from the Landscape Officer in that he does not feel the opportunity to improve the Norwich Road streetscape is being taken and he is not persuaded that the landscape proposals and mitigation are adequate. Whilst clearly important, it is not considered that this on its own is sufficient justification to refuse the scheme, particularly as the LPA is able to impose a planning condition requiring the submission of a more detailed landscaping scheme. This is not an uncommon approach for schemes such as this. It is therefore suggested to add a condition to the grant of permission in this regard but from the information provided, the proposal is not considered on balance to be unacceptable in landscape terms.

#### **Amenity of residential properties**

- 6.13. There are two immediately adjacent residential properties: Mill Croft to the north and Willow Fen to the north-east. Mill Croft is a single storey structure which sits in a large plot relative to its modest size. It is located approximately 25m away from the north elevation of the new holiday accommodation and so the impact of the new accommodation on this property is considered to be minimal; it is noted that the presence of the extensive visitor moorings and other facilities means that this is not a secluded location. Willow Fen is a larger, chalet bungalow which has a gable end window facing south-west towards the site, which is located at over 45m distance with the side elevation of the new accommodation being the closest element. Although the glimpsed views of the river which are currently enjoyed may be obscured by the new building, this is not a material planning consideration. The proposals are therefore not considered to raise concerns with regards to an adverse impact on the amenity of neighbours and is in compliance with Policy DM21 of the Local Plan for the Broads.

#### **Flood Risk**

- 6.14. The area is located within the Environment Agency's Flood Zone 3a, where generally new residential uses would be discouraged due to the risk that occupants and emergency services would come under in times of flood. In this instance the application is supported by a Flood Risk Assessment (FRA) and flood response information. This accurately sets out the modelled extreme flood events and has been the basis on which the floor level of the accommodation has been set. All proposed living accommodation would be elevated above the extreme flood event including taking into account climate change. As such, there would be safe refuge in all properties in the event of a flood. Looking at the commercial properties, the redevelopment represents an opportunity to integrate flood resilient construction methods and these are set out in the FRA. The

FRA has also shown that there is an acceptable means of escape from the site to an area wholly outside of flood risk and as such the Environment Agency have not objected to the scheme. However, the proposal, due to the inclusion of new residential uses within Flood Zone 3a would normally be resisted unless it meets the Sequential and Exceptions Tests.

- 6.15. The Sequential Test requires that there are no sequentially preferable locations for the development, i.e. areas which are at a lower risk of flooding. In this instance, the remaining area of the application site and the surrounding area are within a similar level of flood risk and so it is considered that sequentially there are no other available sites of a lesser risk. The proposal is therefore considered to meet the Sequential Test.
- 6.16. An Exceptions Test (NPPF paragraph 164) is required for residential development in Flood Zone 3a and the proposal needs to show that

*“a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and; b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

Evidence has been supplied to show a need for holiday accommodation at this location and the proposal will enable and support refurbishment and retention of an existing shop and café at an important tourist location within the Broads. The proposal is therefore considered to result in wider sustainability benefits and it meets the Exceptions Test. The proposal is therefore in accordance with Policy DM5 of the Local Plan for the Broads.

### Highways

- 6.17. There is no objection from the Highways Authority subject to the layout of parking spaces as shown on the submitted plan. There are existing accesses onto the main road from the site and the proposal does not intend to change this. The proposal is therefore in accordance with Policy DM23 of the Local Plan for the Broads.

### Other issues

- 6.18. The proposal is not considered to result in an adverse impact on biodiversity and the Authority’s Ecologist has no objection subject to advice and conditions relating to enhancements. The proposal is considered to comply with Policy DM13 of the Local Plan for the Broads.
- 6.19. Anglian Water has advised that it has no objection to the scheme and has additionally looked into the suitability of the foul drainage system in this location. It advises in its subsequent response that the system is sufficient to accommodate the additional units.

## 7. Conclusion

- 7.1. In conclusion, there were three reasons for refusal of the previous application and this resubmission aims to overcome them. Firstly, evidence has been provided to show that

the new accommodation has been planned on a sound financial basis and will provide an element of enabling development for the retention of the existing shop and café services. Secondly, the design has been amended to reduce the scale and mass along with using a more preferable palette of materials. Although there will be a landscape impact, on balance it is not considered that this will be detrimental to the character and appearance of the surrounding landscape, subject to additional landscaping. Lastly, the application is supported by a Flood Risk Assessment and mitigation measures have been introduced to the design. The proposal passes the Sequential and Exceptions Tests as required by the NPPF in that there are wider sustainability benefits of the proposal that outweigh any harm.

## 8. Recommendation

8.1. Approve, subject to the following conditions

- Time Limit
- In accordance with amended plans
- Submission of surface water management strategy.
- Notwithstanding the Landscape Plan, a revised Landscape Plan will be submitted agreed and implemented.
- Notwithstanding signage shown on the drawings, this permission does not grant advertisement consent and a separate application shall be made in that regard.
- Notwithstanding the details on the drawings, samples of materials shall be submitted.
- Occupation of holiday units. No permanent residential or sole address of occupant.
- Shop and café hours 08:00 – 18:00hrs Monday – Sat. 09:00 – 16:00 Sun & Bank Holidays.
- Highways- parking layout.
- Biodiversity enhancements (bat and bird boxes)
- Environmental protection condition relating to noise.
- Water efficiency 110 L/head per day.

## 9. Reason for recommendation

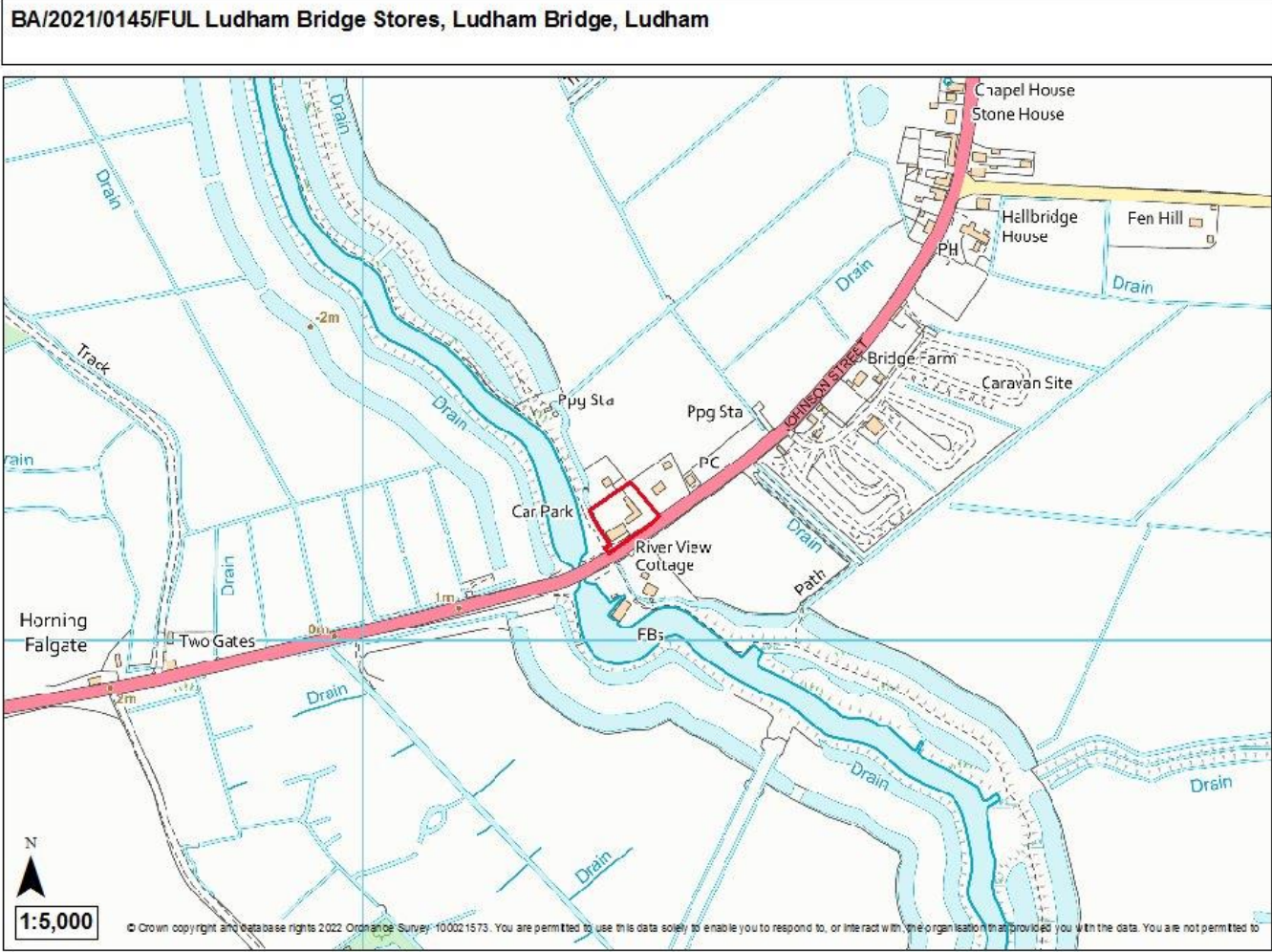
9.1. Subject to the conditions outlined above, the application is considered to be in accordance with Policies DM4, SP2, DM5, DM6, DM13, DM16, DM21, DM22, DM23, SP12, DM29, DM30, DM40, DM43 and DM51 of the Local Plan for the Broads 2019.

Author: Cheryl Peel

Date of report: 23 February 2022

Appendix 1 – Location map

# Appendix 1 – Location map



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