

# Planning Committee

04 March 2022

Agenda item number 7.1

## **BA/2021/0490/FUL - Potter Heigham former Bridge hotel site, 12 x holiday units restaurant and car park**

Report by Planning Officer

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### **Proposal**

Erection of 8 one-bedroom & 4 two-bedroom flats for holiday use with restaurant & covered car-park at ground level

### **Applicant**

Mr Nicholas Mackmin

### **Recommendation**

Refusal

### **Reason for referral to committee**

Major application in terms of site area.

### **Application target date**

7 March 2022

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# 1. Description of site and proposals

- 1.1. The application site lies on the south side of the River Thurne at the southern entrance to the settlement surrounding Potter Heigham Staithe. The site is adjacent to Bridge Road and is situated between a grassed area on the bank of the river to the north and a building (currently a fish and chip shop) to the south. The site is adjacent to Potter Heigham Bridge, which is a Scheduled monument and is listed as Grade II\*.
- 1.2. The site is the location of the former Bridge Hotel, but in recent years it has been used as a car parking area. The Bridge Hotel was for many years a prominent landmark building in the Broads providing accommodation and refreshments to visitors. In 1991, there was a fire in which the building was destroyed and in 1993 consent was granted for a replacement building although no works have been implemented and the site remains undeveloped.
- 1.3. In 1999 consent was granted for use of part of the site for car parking for a temporary period. Following a period of unauthorised use after this initial temporary consent expired, further temporary permissions were granted in 2011, 2014 and most recently 2019. The current permission expires on 28 May 2022.
- 1.4. Last year, an application was refused by Planning Committee for redevelopment of the site for the erection of 8 x 1 bedroom and 4 x 2 bedroom flats for holiday use, a restaurant at ground floor level and associated car parking (reference BA/2021/0067/FUL). The reasons for the refusal were related to flood risk, insufficient information regarding the impact on the historic environment and a lack of an Arboricultural Impact Assessment. This application seeks to overcome these issues.
- 1.5. The proposed development is the same as previously submitted and consists of 12 holiday flats (8 x 1 bedroom and 4 x 2 bedrooms), a restaurant at ground floor level and covered car parking at ground level.
- 1.6. The development consists of two blocks (A & B). Block A measures 32m by 10m in floor area. The roof is designed with two monopitch roofs and the maximum height is 8.6m. On the ground floor is a restaurant seating 52 covers and a covered parking area including cycle parking and bin storage. On the first floor are 8 x 1 bedroom flats accessed via external staircases. Block B measures 22m by 11m in floor area. It is similar in design to Block A with a maximum height of 8.6m. On the ground floor are car parking garages and on the first floor are 4 x 2 bedroom flats again accessed via external stairs. Both units will have a roof void with retractable staircases in order to offer a place of refuge during a time of flood.

# 2. Site history

- 2.1. BA/2021/0067/FUL Erection of 8 x 1 bedroom and 4 x 2 bedroom flats for holiday use, restaurant at ground floor level and associated car parking. REFUSED.

- 2.2. BA/2019/0111/FUL Extend temporary permission for car park use. APCON
- 2.3. BA/2014/0226/FUL Extend temporary 3 year permission for car parking. APCON
- 2.4. BA/2011/0147/CU Extend temporary 3 year permission for car parking APCON
- 2.5. BA/1999/0555/HISTAP continued use of site as car park for temporary period (3 years) and erection of reed panel fence. APCON
- 2.6. BA/1998/0476/HISTAP Renewal of planning permission no. 06/93/0081/BF for reinstatement of fire damaged building. APCON
- 2.7. BA/1995/0350/HISTAP Temporary car park and boat storage. APCON
- 2.8. BA/1993/0165/HISTAP Reinstatement of fire damaged building and provision of additional dining facilities, site and demolition work. APCON
- 2.9. BA/1992/0139/HISTAP Reinstatement of fire damaged building. Refused.

### **3. Consultations received**

#### **Potter Heigham Parish Council**

- 3.1. Object. Concerns related to adverse impact on the bridge, increase in traffic, insufficient parking and flooding.

#### **Environment Agency**

- 3.2. We object to this application in principle because the proposed development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the site is located. We therefore recommend that the application is refused planning permission on this basis.

#### **BA Tree Officer**

- 3.3. I do have some concern about the loss of the two groups of Willow G1 & G2. Whilst these are not exceptional specimens they do provide screening to and from the site from the adjacent boatshed and road. Both groups have considerable visual amenity as can be seen in the attached photos. Given this, if the proposed development is to be approved I would like to see the replacement planting of similar species in similar numbers on the site to provide a modicum of screening to and from the proposed development in future years and secure the future treescape and associated biodiversity. I would also like to see a condition placed on any approval requiring compliance with recommendations the submitted Arboricultural Report dated 24th August 2021.

#### **Repps with Bastwick Parish Council**

- 3.4. Object. Concern that the three previous refusal reasons have not been overcome in regards to flood risk, heritage concerns and trees. Concern regarding flooding as the sewage system has existing issues.

### **BA Landscape**

- 3.5. Object. There is a need for additional information and clarification. External spaces have not been fully considered, and opportunities for public realm enhancement such as along the river frontage have not been taken. The design of the proposed buildings when considered in landscape terms, would not enhance the local landscape character or the setting of the historic bridge.
- 3.6. I am concerned that the proposals would not meet the requirements of the following policies: Policy POT1: Bridge Area; d) in that the application does not clearly demonstrate improvements to the appearance and public realm of the area. Policy DM16: Development and landscape; the application does not clearly demonstrate that development proposals are informed by: i) The Broads Landscape Character Assessment (2017). Policy DM43: Design; particularly k) – the requirement for high quality landscaping. DM22 Dark skies; no information submitted to demonstrate compliance.
- 3.7. I am unfortunately unable to support the application and hope that significant amendments can be made to improve the quality of the proposals.

### **BA Historic Environment Manager**

- 3.8. Object. This application supersedes a previous application (BA/2021/0067/FUL) which was refused on a number of grounds including the failure to address the requirements of paras 189, 193 and 194 of the NPPF. Although a revised Heritage Statement has been submitted, it is still insufficient in its assessment of the impact on the heritage asset's setting and significance and is therefore considered to fail to meet the requirements of paragraph 194 of the NPPF. Historic England have requested (in their responses for this and the previous application) that the applicant should submit visualisations to aid assessment of the proposals and the impact on the heritage asset and I agree that these would be useful.
- 3.9. I would also like to see some form of heritage interpretation relating to the bridge, which could be provided as an additional benefit of the scheme, in line with Local Plan Policy DM11e.
- 3.10. As it stands, I still object to the proposal on the basis that the submitted Heritage Statement is insufficient to meet the requirements of paragraph 194 of the NPPF and there are elements of the design that would currently result in potential harm to the setting of the heritage asset and it is consequently contrary to DM 11 of the Broads Local Plan and paras 199 and 200 of the NPPF need to be considered.

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

- 3.11. No objections subject to conditions and informative notes.

## Historic England

- 3.12. Object. Historic England has concerns about the planning application on heritage grounds. However, we do not object in principle to the redevelopment of former Bridge Hotel site.
- 3.13. We consider that the principal concerns raised that we raised in our response to the previous application have not been addressed and that the application does not currently meet the requirements of the NPPF (2021), in particular paragraphs 194, 195, 199 and 200.
- 3.14. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

## Norfolk County Council (NCC) Archaeology

- 3.15. No objection. Thank you for consulting with us about the above planning application. Based on currently available information the proposal will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work.

## Internal Drainage Board

- 3.16. Comments regarding consents required.

# 4. Representations

## 4.1. Duncan Baker MP

Thank you for copying in my office. You raise some very serious concerns. When flooding throughout North Norfolk and particularly in villages like Potter Heigham is such an issue I do hope the Broads Authority looks at this seriously. I have many complaints with Broads villages having sewage problems, so may I ask Ms Peel to look particularly closely at the issues you raise.

## 4.2. 2 other letters of representation have been received. Summary of concerns:

- Drainage unable to cope.
- Contrary to policy.
- Design is not characteristic of the area.
- Traffic concerns including inadequate parking.
- Restaurant not needed.
- Loss of trees.

## 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
  - DM113 – Natural environment
  - DM16 – Development and Landscape
  - DM21 – Amenity
  - DM23 – Transport, highways and access
  - DM43 – Design
  - POT1 – Bridge Area

## 6. Assessment

- 6.1. The main considerations in the determination of this application are the principle of development, flood risk, the design of the new buildings and the impacts on the historic environment, trees, biodiversity, amenity and highways.

### Principle of development

- 6.2. The site is considered to be a brownfield site and the current use of it as a car park does not enhance the appearance of the area or the setting of the adjacent heritage asset of Potter Heigham Bridge. Policy POT1 identifies the area around the bridge to be further developed and enhanced as a location for river related leisure and tourism subject to the relevant policies of the Local Plan. The area covered by the policy as a whole is larger than the application site itself and includes the majority of the surrounding boat yards and buildings extending towards the west. On Policy Map 15, the area covered by Policy POT1 X3 (Former Bridge Hotel Site) covers the application site and the neighbouring fish & chip shop and the boatyards and structures to the north-east and south-west (across the road) of the application site.
- 6.3. The application site also has the proviso that particular care will be taken to achieve improvements to the appearance and public realm of the area, development which supports recreation and tourism will be supported and that new holiday accommodation will only be permitted as part of a comprehensive scheme which should include appropriate recreation and tourism provisions. The principle of redevelopment to recreation and tourism uses is therefore supported.

### Flood Risk

- 6.4. The application is submitted with an updated Flood Risk Assessment which demonstrates that the site is within Flood Zone 3b, the functional floodplain, as delineated by the 1 in 20 annual probability event outline and within the Broads Authority's Strategic Flood Risk Assessment. The Environment Agency have confirmed that residential accommodation and buildings used for restaurants are classed as 'more

vulnerable' and 'less vulnerable' respectively and are not suitable land uses in Flood Zone 3b.

- 6.5. The agent argues that the site is 'allocated' for development of holiday accommodation, however Policy POT1 covers a larger area than just the application site and this whole policy area includes existing buildings (a take-away immediately behind the former hotel footprint, and some boat sheds) which could in principle be converted or redeveloped into holiday accommodation. Existing buildings within Flood Zone 3b are treated as being within Flood Zone 3a because the presence of the building stops the land being able to function as floodplain, so development classed as appropriate in 3a could be acceptable. The application site, however, is not developed, so must be treated as floodplain in policy terms. The situation, therefore, is that the area covered by Policy POT1 includes land which is within Flood Zone 3a and land in Flood Zone 3b. This explains why it is acceptable for POT1 to identify the site as suitable for holiday accommodation and is consistent with the conclusions of the sequential test which states that: *"Within the entire area, development could be located out of 3b"*.
- 6.6. The only suitable development on this particular site would need to be 'Water Compatible' such as boat yards, water based recreation (excluding sleeping accommodation), amenity space, nature conservation, outdoor sports and recreation. As it stands, the proposal is contrary to both national and local plan policies (specifically DM5 of the Broads Local Plan) and cannot be supported.

### Impact upon the historic environment

- 6.7. The proposed development site lies adjacent to Potter Heigham Bridge which is both a scheduled monument and a Grade II\* listed building. Part of the application site lies within the boundary of the scheduled monument. A revised Heritage Statement was submitted with this application in order to try to overcome the previous refusal reason in this regard.
- 6.8. The National Planning Policy Framework (NPPF) defines the setting of a heritage asset as "The surroundings in which a heritage asset is experienced". The proposed development site lies within the immediate setting of the Potter Heigham Bridge scheduled monument. The relationship between Potter Heigham Bridge, the River Thurne, and the adjacent riverbanks directly contributes to the setting of the scheduled monument and to its significance. The proximity of the application site to Potter Heigham Bridge means that the proposed development would be visible in key views of the scheduled monument, in particular in views south and southwest from the north bank of the river between Bridge Road and the A149, from the A149 road bridge and from on the river itself.
- 6.9. Although a revised Heritage Statement has been submitted with the current application it is not accompanied by any visualisations of the proposed development so that the potential changes to the setting of the Potter Heigham Bridge scheduled monument can be adequately understood and the any resulting harm to the significance of the monument can be determined.

- 6.10. NPPF paragraph 189 states that, “local planning authorities should require an applicant to describe the significance of any heritage assets affected including any contribution made by their setting” at a level of detail proportionate to the assets’ importance and using appropriate expertise. NPPF Paragraph 194(b) establishes that scheduled monuments and grade II\* listed buildings are designated heritage assets of the ‘highest significance’.
- 6.11. The level of information and assessment submitted in the amended heritage statement is considered to be insufficient to meet the requirements of NPPF paragraph 189. Inclusion and full assessment of the key views that include both the proposed development site and Potter Heigham Bridge are necessary for the impact of the proposals on the setting of the designated heritage asset, and any resulting harm to its significance, to be determined.

### **Design**

- 6.12. Policy DM43 of the Local Plan for the Broads requires all development to be of high design quality which should integrate effectively with its surroundings, reinforce local distinctiveness, landscape character and preserve or enhance cultural heritage. The two proposed blocks do reflect the predominant form of buildings in the vicinity, in terms of their positioning, form and massing. However, there are some finer issues that raise concern.
- 6.13. Firstly, the staggered roof form is uncharacteristic and in order to ensure that the buildings more fully reflect the local character, it is considered that a simpler pitched roof would be more appropriate. Ideally, rooflights should be kept to a minimum and it would be preferred if they were removed from the front (south-west) roofslope to Block A. The use of roller shutter garage doors to the north-west elevation of Block B is also not considered to be appropriate.
- 6.14. The application does not include exact details on the proposed materials, which are required, particularly given the historic importance of the site. The application as it stands is therefore contrary to Policy DM43 of the Local Plan for the Broads.

### **Impact on the landscape**

- 6.15. The proposed development will introduce a built form into an area that, although used for car parking and therefore not particularly attractive, is devoid of development. The site is in a highly visible and sensitive location with a significant level of public access, public moorings, boatyards, river boat users, adjacent highway and footpaths. The long distance footpath of the Weavers Way runs immediately adjacent to the site and the opposite river bank has publicly accessible open space. An Arboricultural Impact Assessment and Landscaping Plan have been included in the application documents.
- 6.16. There are some inconsistencies with the Landscaping Plan and other plans and there are little details included with regards to hard landscaping and sustainable drainage. A proposed row of ‘Malus eleyi’ trees are shown along the access road but these are not considered appropriate for a riverside location in the broads and native trees such as

willow, alder and birch would be preferable. In addition, the hedging on the north-east boundary is also uncharacteristic, fast growing and has the potential if not managed, to become a nuisance. Yew or Holly would be preferred here.

- 6.17. The existing car parking detracts from the setting of the bridge but the scheme fails to take the opportunity to screen this area or enhance the streetscape of Bridge Road.
- 6.18. Due to the lack of information submitted and the use of non-native plants where landscaping is shown, the proposal is considered to be contrary to the following policies: Policy POT1: Bridge Area – criterion (d) in that the application does not clearly demonstrate improvements to the appearance and public realm of the area; Policy DM16: Development and landscape - the application does not clearly demonstrate that development proposals are informed by criteria (i) The Broads Landscape Character Assessment (2017) and (ii) Appropriate site-based investigations Policy DM43: Design - particularly criterion (k) – the requirement for high quality landscaping.

### Other issues

- 6.19. There is no objection from the Highways Authority subject to conditions and so the application is in compliance with Policy DM23 of the Local Plan for the Broads.
- 6.20. There are no immediate neighbouring residential properties and so no issues arising with regards to an adverse impact on amenity. Concerns about business competition are not a material planning consideration.

## 7. Conclusion

- 7.1. The application seeks permission for the erection of holiday accommodation in an area at a high level of flood risk, contrary to both national and local planning policies. Furthermore, the application fails to include sufficient information to be able to fully assess the impact on the historic environment, landscape and existing vegetation.

## 8. Recommendation

- 8.1. Refuse for the following reasons:
- The application seeks permission for ‘more vulnerable’ development in an area demonstrated to be Flood Zone 3b (the functional floodplain) which is not considered to be in accordance with Policy DM5 of the Local Plan for the Broads or the NPPF and NPPG guidance.
  - Due to there being insufficient information about the impact of the proposed development on the historic environment, in particular on Potter Heigham Bridge, both a scheduled monument and a Grade II\* listed building, the application does not meet the requirements of the NPPF, in particular paragraphs 189, 193 and 194 and is contrary to Policy DM11 of the Local Plan for the Broads.

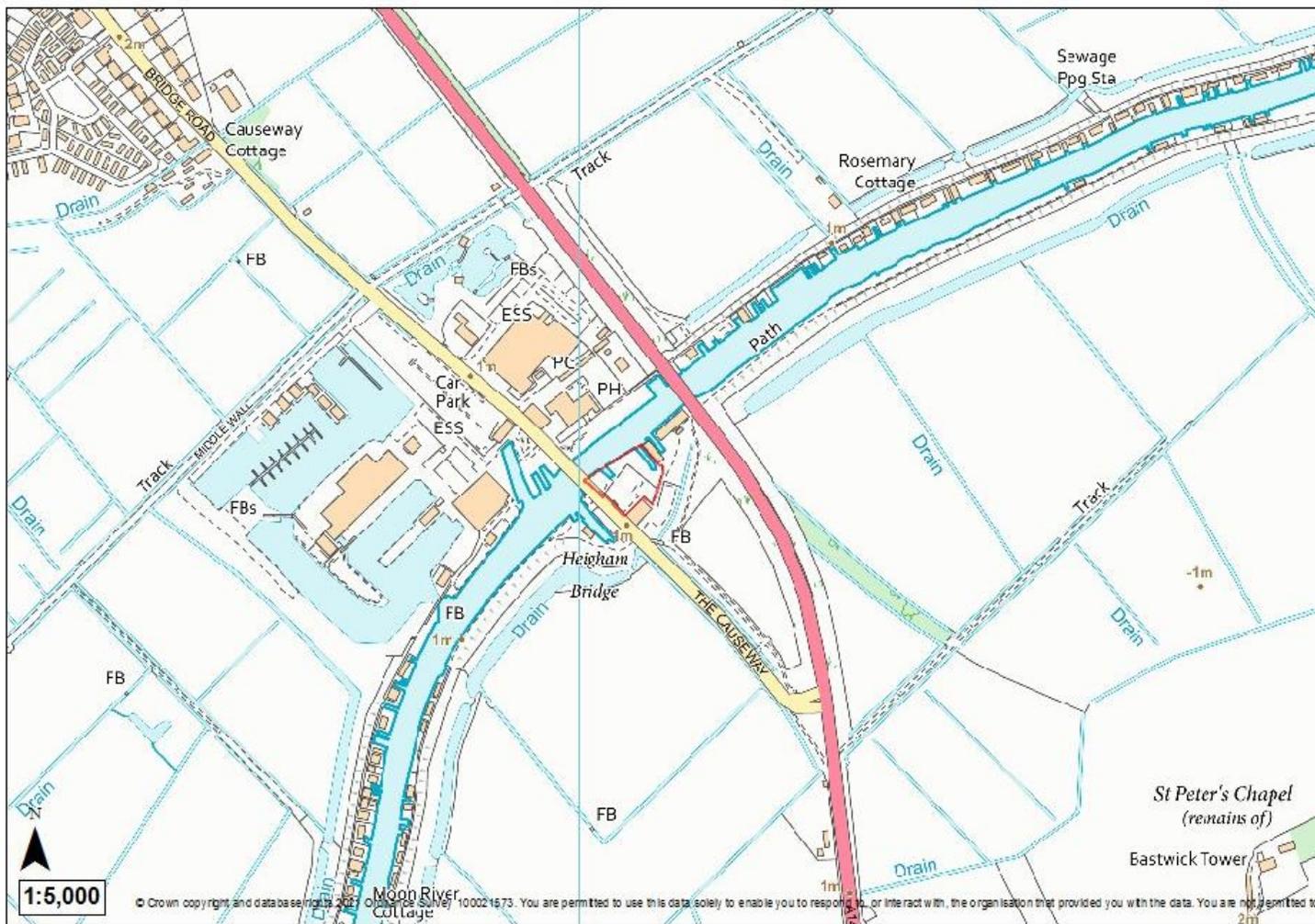
- The application includes the loss of significant trees and fails to include a suitable Landscape Scheme with native replacement planting including, contrary to Policies DM16, DM43 and POT1 of the Local Plan for the Broads.

Author: Cheryl Peel

Date of report: 04 February 2022

Appendix 1 – Location map

## Appendix 1 – Location map



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