

# Public Document Pack



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To The Chairman and Members of the  
Development Control Committee

All other Members of the Council – for information

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Date 11 February 2009

## AGENDA SUPPLEMENT

Dear Sir/Madam

### DEVELOPMENT CONTROL COMMITTEE - MONDAY 16 FEBRUARY 2009

I refer to the agenda for the above-mentioned meeting and enclose the following items:

Item No	Report Title	Page Nos
8	(a) <b><u>THETFORD: FORMER SULTANS SITE, LONDON ROAD: Erection of non-food retail warehouse (A1) &amp; external garden centre, associated access, servicing, car park, landscaping for Location 3 Properties Ltd and Sultans: Reference: 3PL/2008/1497/F</u></b>	59 - 64
	Report of the Development Services Manager.	
8	(b) <b><u>Brettenham: Home Farm, Shadwell: Change of Use from agriculture fields to equine use incorporating an all weather gallop and two stables consisting of six boxes each for Mr Philip Hodson: Reference: 3PL/2008/1419/F</u></b>	65 - 68

Report of the Development Services Manager.

Yours faithfully

Helen McAleer

Member Services Officer

**BRECKLAND COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE – 16<sup>th</sup> February 2009**

**REPORT OF DEVELOPMENT SERVICES MANAGER**

(Author: Jayne Owen (Senior Development Control Officer))

**THETFORD: FORMER SULTANS SITE, LONDON ROAD**

**Applicant: Location 3 Properties Ltd and Sultans**

**Reference: 3PL/2008/1497/F**

**DEFERRED ITEM REPORT**

This report concerns a planning application which seeks planning permission for the erection of a non-food retail warehouse (A1) and external garden centre, associated access, servicing, car parking, landscaping. The application was due to be considered by committee on 5th January 2009, but was deferred to allow the impact on protected trees to be addressed. Full details of the application are set out in the original committee report (attached).

The original scheme proposed an access arrangement which, if approved, would have necessitated the loss of several contorted pine trees along the frontage of London Road. These trees were at this time not protected. Since the original report was drafted, the trees have become the subject of a Tree Preservation Order. Consequently the scheme has been revised relocating the access approximately 12m to the west to avoid the loss of several contorted scots pine trees which are now protected by tree preservation order.

County Highways initially raised some concerns with respect to the revised layout particularly with regard to the right hand turn lanes, however, they have reconsidered the proposal, taking into account the need to retain the trees, and have confirmed that highway safety would not be significantly compromised by the revised access arrangements and have now accepted the access in the revised location.

Additional information was requested by the Council's Tree and Countryside Officer and has been submitted by the applicant including full details of construction methods and tree protection measures with respect to where the proposed new entrance and parking spaces infringe the root protection areas of trees to be retained and details of how the level change would be dealt with having regard to the need for re-grading the slope to accommodate the access arrangements. These details have been agreed and are acceptable to the Council's Tree and Countryside Officer.

**RECOMMENDATION:** It is recommended that permission is granted as amended subject to conditions and the completion of a section 106 agreement requiring the submission, auditing, monitoring and reviewing of a travel plan.

**BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 05-01-2009**

<b>ITEM</b>	<b>5</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2008/1497/F	
<b>LOCATION:</b>	THETFORD Former Sultans Site London Road/Burrell Way	<b>APPN TYPE:</b> Full <b>POLICY:</b> In Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Location 3 Properties Ltd & Su c/o agent	
<b>AGENT:</b>	RPS Planning & Development Ltd 10 Queen Street Mayfair	
<b>PROPOSAL:</b>	Erection of non-food retail warehouse (A1) & external garden centre, assoc. access, servicing, car park, l'scaping	

**KEY ISSUES**

1. Impact of development on town centre having regard to national retail policy
2. Impact on character of area
3. Crime and disorder
4. Traffic impact
5. Trees

**DESCRIPTION OF DEVELOPMENT**

The proposal is to redevelop a currently vacant site in the Settlement Boundary of the town of Thetford, last occupied by Sultans Turkish Delight factory, with a non-food retail warehouse (A1) comprising external garden centre, associated access, servicing, car park and landscaping. The site would be accessed via a new access off London Road. Service and refuse trucks would access the site via Burrell Way. The site extends to approximately 0.94 hectares. The proposal involves:

- \* Retail warehouse comprising 2462 sq m gross internal floor space
- \* 106 car parking spaces, 7 disabled spaces, 11 van spaces, 3 car and trailer spaces, 16 cycle spaces (8 for staff, 8 for customers)

The scheme proposes a new building of 61 m x 29.2 m with a height to eaves of 6.6 m to a maximum height of 9.5 m with a hipped roof to a pitch of 7 degrees to the north-west part of the site with car parking located north-east to south west. The service yard and garden project centre are sited to the south-west of the site. The design is based on standard criteria for this type of retail unit in its shape and height. However, to reduce the mass of cladding, glazed elements have been added to the elevations fronting London Road and the car park. The remaining walls would be micro-rib insulated horizontal panels with facing brickwork below.

The application is accompanied by:

- \* Design and Access statement
- \* Planning and Retail Statement
- \* Transport Assessment
- \* Tree Survey and Assessment
- \* Desk Study
- \* Energy Statement for Proposed Retail Development
- \* Draft Section 106 Agreement

**SITE AND LOCATION**

The application site comprises a vacant area of land approximately 1.4 km to the south west of Thetford town centre, off the A11, the main thoroughfare into Thetford from the south and is situated on an established industrial estate. It is bounded by London Road to the north and Burrell Way to the south. It is rectangular in shape and has a relatively flat gradient. There are a number of mature trees located on the northern and southern boundaries of the site, none of which are subject to Tree Preservation Orders.

**RELEVANT SITE HISTORY**

No relevant site history

**POLICY CONSIDERATIONS**

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan have been taken into consideration in the determination of this application:

PPS1: Sustainable Development

PPS6: Town Centres

PPG13: Transport

PPS22: Renewable energy

PPS23: Planning and Pollution Control

East of England Plan

Policy SS.6: City and Town Centres

Policy ENG1: Carbon Dioxide Emissions and Energy Performance

Policy E2 - Provision of Land for Employment

Policy TH1 - Thetford Key Centre for Development and Change

Saved Breckland Local Plan

TRA.5 Traffic Generation

**CONSULTATIONS**

THETFORD T C

Object strongly to any access point being introduced off London Road but had no objection in principle to the proposed development. Request reinstatement of Scots pine along London Road boundary

NATURAL ENGLAND - No objection

HIGHWAY AUTHORITY - No objection subject to conditions

ENVIRONMENT AGENCY - No objection subject to conditions

COUNCIL'S TREE AND COUNTRYSIDE OFFICER - Objects to removal of any contorted pines on the London Road frontage and requests details of service excavations which may have consequences for trees to be retained. Comments made in relation to suitability of use of Pterocarya as a species for new planting

COUNCIL'S PLANNING POLICY OFFICER - THETFORD GROWTH POINT - No objection to principle subject to design and access issues being addressed by the applicant or achieved by condition

COUNCIL'S CONTAMINATED LAND OFFICER - Recommends conditions

NORFOLK CONSTABULARY - Comments made relating to proposed lighting, use of bollards and consideration of use of closed circuit television, which have been forwarded to the applicants

**REPRESENTATIONS**

None

**ASSESSMENT NOTES**

- \* The application is referred to Development Control Committee as it is a major application
- \* The site is within the Settlement Boundary of Thetford and, whilst the site was last in employment use, it is not allocated as employment land in the Breckland Local Plan.
- \* The proposed development would create up to 40 full and part-time jobs in the retail unit, with other job opportunities arising from the construction and future maintenance/security of the site.
- \* The application falls principally to be considered against national Planning Policy Statement 6: Planning for Town Centres which requires new retail developments to be assessed in terms of scale, impact on existing centres and accessibility. Policies contained in the East of England Plan and the emerging LDF are consistent with national policy.
- \* A sequential assessment has been submitted which concludes that there are no sequentially preferable sites which are either available, suitable or viable for the proposed development.
- \* It is considered that the proposed development would have an acceptable impact on the character and appearance of the locality. The design and appearance of the retail warehouse would not appear out of scale with its surroundings and, subject to the provision of suitable landscaping and boundary treatments, it is considered that the development is acceptable in visual terms.
- \* There is a group of four Lawson's cypress trees on the Burrell Way frontage and a line of seventeen Scots pines on the London Road frontage, none of which are the subject of Tree Preservation Orders. Four Dawsons cypresses would be lost to achieve sight lines for the new service yard and seven Scots pines for the new customer entrance. Proposed landscaping includes the planting of 11 new Scots pine trees to replace those lost.
- \* Discussions with the applicant are currently on-going to determine whether the proposed access could be relocated to avoid or reduce the extent of tree removal required.
- \* With respect to crime and safety, Norfolk Police have noted there is no indication of proposed lighting within the submitted details and also recommend that consideration be given to fitting a CCTV system.
- \* A condition is recommended requiring agreement of an external lighting scheme.
- \* With respect to traffic impact, a transport assessment has been submitted in support of the proposed development which concludes that that the development can be accommodated without detriment to traffic conditions on the local highway network. The Highways Authority consider that the package of works offered by the developer mitigates the transport impacts of the proposed development.
- \* The package includes an improved access via a new ghost island right turn lane, improved bus stop provision, improved pedestrian crossing facilities, adequate car, cycle and powered two wheeler parking provision and service vehicle access off Burrell Way.
- \* No objection is raised subject to conditions including the submission of a travel plan which will be adopted to promote and encourage the use of non-car modes of travel.
- \* The East of England Plan requires the development to supply 10% of its energy requirements from renewable or low carbon decentralised energy generation. The energy statement submitted with the application demonstrates that this target can be met and a condition may be attached to ensure that this requirement is met
- \* In conclusion, it is considered that the proposed development meets the criteria set out in PPS6, would result in an investment in the local economy and create up to 40 jobs available to local people and would result in the redevelopment of a brownfield site
- \* Approval is, therefore, recommended subject to conditions

**RECOMMENDATION**

**Planning Permission**

**CONDITIONS**

- 3106 External materials and samples to be approved
- 3548 Full details of external lighting
- 3920 Planting scheme
- 3414 Fencing protection for existing trees
- 3920 Boundary treatments
- 3740 HDC05 - New access - construction
- 3740 HDC14 - Visibility splay
- 3740 HDC17 - Provision of parking and servicing areas
- 3740 HDC19 - Provision of drainage measures
- 3740 HDC21A - Highway improvements - off site
- 3740 HDC21B - Highway improvements - off site
- 3740 HDC27A - Travel Plan
- 3740 HDC27B - Travel Plan implementation
- 3740 HDC29A - Wheel cleaning facilities for construction vehicles
- 3740 HDC29B - Wheel cleaning facilities
- 3920 Cycle parking
- 3920 Reduction of energy use
- 3920 Tree Survey
- 3920 Contamination condition
- 3920 Surface water drainage
- 3994 Highways INF.1
- 3994 Highways INF.2
- 3994 Highways INF.3
- 3992 Non-standard note re: S106
- 3998 NOTE: Reasons for Approval
- 4000 Variation of approved plans

**BRECKLAND COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE – 16<sup>TH</sup> FEBRUARY 2009**

**REPORT OF DEVELOPMENT SERVICES MANAGER**

(Author: Viv Bebbington, Senior Development Control Officer)

**BRETtenham: HOME FARM**

**Applicant: Mr P Hodson, Nunnery Stud**

**Reference: 3PL/2008/1419/F**

**DEFERRED ITEM REPORT**

This report concerns a planning application for change of use of land from agricultural to equine use and the construction of an all weather gallop and two isolation stable blocks, each containing 6 boxes. The application was considered by members on 26<sup>th</sup> January 2009, but was deferred. Members wished to establish whether some agricultural use of the land could be maintained within the site whilst also being used for the purposes sought. Full details of the application are set out in the original committee report (attached).

The applicant has confirmed that he requires the central area of the gallops to be used as grazing area for the horses which are stabled in the proposed stable blocks adjacent the proposed gallops. The stables are to be used specifically as isolation units. The applicant has indicated that bio security is of the highest importance. All newly bought horses together with horses returning from competition are isolated from the remaining horses for a period of two weeks to ensure that any disease threat is spotted and treated before it infects the rest of the horses. The applicant has confirmed that when horses are not on the premises the area within the gallops will be grazed by sheep.

The grassed area within the gallops will have post and rail fencing. The gallop will have no racing rails. The applicant has confirmed that the perimeter area around the outside of the gallops will be maintained as a wildlife buffer zone and separated from the gallops by timber and wire fence.

The stables are well related to the existing buildings and are not visually intrusive in the landscape. The site is bounded to the east and west by mature hedging and trees. Views from the A1066 are limited. The proposal will not have a significant effect on the rural character of the area.

In terms of bio diversity, the site is outside Special Preservation Area and the buffer zone for the Stone Curlew. The RSPB have no records of stone curlews on the site and have no objection to the proposal, however they have asked the applicant to adopt a management plan that could increase the habitat for stone curlews. Natural England has raised no objection to the proposal. The Council's Habitat Regulations Consultant (LDF) has confirmed that the change in the use of the land is unlikely to have an impact on the use of the land by Stone curlews.

**RECOMMENDATION:** It is recommended that the application is approved subject to conditions.



<b>ITEM</b>	<b>2</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2008/1419/F	
<b>LOCATION:</b>	BRETtenham Home Farm Shadwell	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> Adjacent Grade 2
<b>APPLICANT:</b>	Mr Philip Hodson Nunnery Stud Near Brettenham	
<b>AGENT:</b>	KWA Architects Chalk Farm High Street	
<b>PROPOSAL:</b>	C of U from agric. fields to equine use incor. an all weather gallop & two stables cons. of six boxes each	

**KEY ISSUES**

1. Impact on the character and appearance of the countryside
2. Impact on wildlife

**DESCRIPTION OF DEVELOPMENT**

The proposal is for change of use of 2 agricultural fields to equine use, the development of an all weather gallop and the erection of two stable blocks - each accommodating 6 boxes. The proposed stables are located on the northern part of the site adjacent existing buildings. The 2006 permission for the development of Harling Wood Farm included gallops. The applicant requires separate facilities for both teams, therefore the proposed gallops will be used in association with the team based at Home Farm with the previously approved gallops for use by the team based at Harling Wood Farm. The stables will be used for isolation units for the endurance horses returning from competition to Home Farm. The surfacing of the existing field access is to be the subject of a separate planning application. The agricultural land is currently farmed by a tenant farmer.

**SITE AND LOCATION**

The site is currently agricultural land located to the north of the A1066 between the highway and the existing stabling, residential accommodation and facilities for equine endurance training based at Home Farm. Home Farm and the adjacent, recently constructed, Harling Wood Farm are the bases for two endurance racing teams; each team has their own separate facilities. The site is adjacent a Site of Special Scientific Interest and County Wildlife site.

**RELEVANT SITE HISTORY**

Planning permission for stabling and residential accommodation at Home Farm was granted in 2001 and 2004. Permission to extend the facilities to accommodate a further endurance team was granted in 2006.

**POLICY CONSIDERATIONS**

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan have been taken into consideration in the determination of this application:

PPS7: Sustainable Development in Rural Areas

PPS9: Biodiversity and Geological Conservation

**CONSULTATIONS**

**BRETTENHAM/KILVERSTONE P C**

This application covers the change of use of agricultural to equine and the erection of 2 stable blocks of 6 stalls each.

Comments: This application once again gave rise to concern by the PC because they seek to further increase in the facilities for endurance horses but in a piecemeal way, without any apparent justifiable need. The PC also considers the concomitant ongoing reduction in agriculture is to the detriment of the farming taking place in the same area. This latest set of applications is believed to be the fifth in a series of applications for endurance horse training and support dating back to 2001. The PC is concerned that there is little evidence of any endurance horse training and that these continuing applications seem to be using the planning system for other hitherto undisclosed purposes. The PC also noted the access to these developments and its predecessors was articulated in previous applications - approvals to be via Home Farm and that access directly onto the A1066 had not been agreed. However, it is clear that this access onto the A1066, which was previously a track, had now been metalled and there is evidence that it is now in regular use to the A1066.

The PC decided to object to this application and recommends that it be considered by the Development Control Committee.

HIGHWAY AUTHORITY - no objection providing the facilities are used solely as ancillary to the existing facilities.

COUNCIL'S HISTORIC BUILDINGS OFFICER - no objection.

COUNCIL'S ENVIRONMENTAL HEALTH OFFICER - no objection.

COUNCIL'S CONTAMINATED LAND OFFICER - no objection.

NATURAL ENGLAND - no objection to the proposal subject to a condition requiring construction work to be undertaken outside of the nesting season.

ENVIRONMENT AGENCY - no objection to the proposal

**REPRESENTATIONS**

One letter of objection has been received on behalf of the tenant farmer, who has an annual tenancy on the two fields that are the subject of this application raising the following concerns:

- impact of the loss of agricultural land on the agricultural holding,
- loss of habitat of Stone Curlews,
- no consideration of alternative sites
- existing facilities not used all year

**ASSESSMENT NOTES**

- \* The application is referred to Development Control Committee as it is a major application.
- \* The main issue is the impact of the proposal on the character and appearance of the countryside and the adjacent SSSI.
- \* The stables are located close to existing buildings but need to be separate from the existing yards as they are to be used for isolation units. There is a need to keep horses, which have returned from competition, away from the horses in training as they travel over Europe and come into contact with other horses which brings risk of infection and is a form of quarantine.
- \* The site is bounded to the south and west by mature trees and hedging. It is acknowledged that there will be views into the site from the A1066, however they are limited. They proposed stables will not result in a significant impact on the landscape or detract from views across the countryside. The change of use from arable land to pasture is an acceptable use in the countryside and will not detract from the character of the area.
- \* Natural England has raised no objection in relation to the impact of the proposal on the SSSI.
- \* The surfacing of the farm access direct on to the A1066 will be dealt with as a separate planning application.
- \* The impact on the tenant farmer as a result of loss of land is not considered to be a planning consideration and therefore should be afforded limited weight.
- \* The application is recommended for approval subject to conditions

**RECOMMENDATION**

**Planning Permission**

**CONDITIONS**

- 3007** Full Permission Time Limit (3 years)
- 3048** In accordance with submitted AMENDMENTS
- 3920** Restriction of works during nesting
- 3920** Non-standard condition
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans