

**BRECKLAND COUNCIL**

**At a Meeting of the**

**PLANNING COMMITTEE**

**Held on Monday, 29 October 2012 at 9.30 am in  
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Mr S.G. Bambridge  
Mr T R Carter  
Mr P.D. Claussen  
Mr T.J. Lamb  
Mrs J A North (Vice-  
Chairman)  
Mr W. R. J. Richmond

Mr M. S. Robinson  
Mr F.J. Sharpe  
Mrs P.A. Spencer  
Mr N.C. Wilkin (Chairman)  
Mr P.J. Duigan (Substitute Member)  
Mr T. J. Jermy (Substitute Member)

**Also Present**

Councillor E. Gould  
Mrs S.M. Matthews (Ward  
Representative)

Mr A.P. Joel (Ward Representative)

**In Attendance**

Paul Jackson  
Heather Burlingham  
John Chinnery  
Jane Osborne  
Nick Moys  
Mike Brennan  
Michael Horn  
Martin Pendlebury

Planning Manager  
Assistant Development Control Officer\*  
Solicitor & Standards Consultant  
Committee Officer  
Principal Planning Officer (Major Projects)\*  
Principal Planning Officer\*  
Solicitor to the Council  
Director of Planning & Business Manager\*  
\* Capita Symonds for Breckland Council

**111/12 MINUTES**

It was noted that with regard to Minute No. 102/12 paragraph 3, it should read Wild Cherry Close and Whitebeam Crescent, and with regard to Minute No. 103/12 (g), Swanton Morley was spelt incorrectly.

Subject to the above, the Minutes of the meeting held on 1 October 2012 were confirmed as a correct record and signed by the Chairman.

**112/12 APOLOGIES & SUBSTITUTES**

Apologies for absence had been received from Cllrs Bowes and Armes, therefore Cllrs Duigan and Jermy were in attendance as their substitutes respectively.

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**113/12 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED**

Cllr Sharpe declared that he was a Member of the Hammond Trust who owned the site adjacent to the Deferred Item No. 8 (a) Swaffham.

**114/12 CHAIRMAN'S ANNOUNCEMENTS**

Scheduled Agenda Item 9, Nos. 1 and 2 (Thetford) would be heard together.

The Chairman welcomed Martin Pendlebury, Director of Planning and Business Manager, Capita who replaced the Interim Head of Planning and Building Control.

**115/12 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)**

There was no update to report on.

**116/12 DEFERRED APPLICATIONS**

**117/12 SWAFFHAM: FORMER SIXTH FORM CENTRE, LYNN STREET :  
DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 16  
FLATS, WORKS TO BOUNDARY WALLS TO WIDEN/IMPROVE  
ACCESS AND ASSOCIATED WORKS : APPLICANT: NORFOLK  
COUNTY : REFERENCES : 3PL/2012/0527/F AND  
3PL/2012/0528/CA**

Cllr Sharpe declared that he was a Member of the Hammond Trust who owned the site adjacent to the application.

The application sought full planning permission to provide 16 flats (6 one bed flats and 10 two bed flats) in two storey buildings. Access to the site would be created off Lynn Street/Market Place whilst a pedestrian link would be provided from Whitsands Road.

The application was deferred at the Planning Committee held on 3 September to allow the NCC Highways Officer and the applicant time to address driver behaviour/traffic movements from Market Place onto Lynn Street. The report contained the three options which sought to address Members' concerns which were to build out and revise line marking, 20mph roundels should be applied to the carriageway in white thermoplastic on approaches to the Market Place and Market Place sub-plates should be provided to the 20mph signs. The application was recommended for approval subject to a Grampian Condition to ensure that the improvement works at the junction of Lynn Street and Market Place were carried out.

Mrs Matthews, Ward Representative stated that whilst she felt nothing else could be done, she did ask that the entrance at the back be looked at again due to the space available. The Principal

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Planning Officer replied that Highways had considered the access at Whitsands Road to be too dangerous.

Mr Scales, Agent, advised that they had sought to design something that would slow drivers down and change their behaviour when they came down Lynn Street, and the proposal would be of highway benefit when built out. The "Give Way" sign proposed was based on advice from Highways, but they would be happy for it to be a "Stop" sign following a comment from a Member that he was firmly of the opinion that it should be a "Stop" sign.

**RESOLVED that the application be deferred and the Officers authorised to approve it as recommended, on completion of the legal agreement.**

**118/12 OLD BUCKENHAM: PROPOSED RESIDENTIAL DEVELOPMENT AT LAND AT SHRUBLANDS, ATTLEBOROUGH ROAD : APPLICANT : DAVID ALSON (NORFOLK) LTD : REFERENCE : 3PL/2012/0193/F**

The application was deferred prior to the Planning Committee meeting on 9 July 2012, and since then, the proposal had been subject to an appeal against non-determination by the applicant, and was presented to the Planning Committee to ascertain the views of Members on the acceptability of the scheme which sought approval to remove a steel grain store, the demolition of 4 bungalows, convert agricultural barns to 8 residential units and erect 10 dwellings.

The report had been subject of an assessment from the District Valuer who concluded that the applicant had adequately demonstrated that the level of new build was a proportionate response to the level of expenditure associated with the site.

The Committee were advised that the applicant had agreed to address the objection raised by the Environment Agency but drawings were not available to demonstrate that.

Concerns expressed in the original Committee report which related to the new build element of the scheme only had been addressed through the submission of the economic appraisal and, as such, the proposal was considered to be acceptable in planning terms and would have been recommended for approval if the appeal had not been lodged.

Mr Ing, Parish Council, believed that nothing had changed as the main issues still remained. They were very concerned with regard to highway access, excessive speed and accidents around the site access. He felt it was wrong to put the residents of the bungalows under unacceptable pressure as they did not know where they would relocate to. He asked for the application to be rejected.

Mr Joel, Ward Representative, was not supportive of the application.

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He stated that it was a large development outside the Settlement Boundary and to claim was a windfall site was irrelevant. Concerns covered safety onto the B1077, excessive speeds and no public transport links. The proposed development would provide little income to Old Buckenham without a car, schools were full up and no social housing was proposed. Should Members approve the application, he asked that a condition be made that the agricultural buildings be converted prior to the new buildings.

Members were advised that Highways did not object on highway safety grounds, and the Planning Manager gave an explanation to the Committee on what represented a windfall site. It had been demonstrated that the new build element of the scheme was necessary to “cross fund” the barn conversion element.

**RESOLVED that, if the Application had not been the subject of appeal for non-determination, the Committee would have approved it subject to the S106 Agreement, resolution of the Environment Agency concern, provision for bats and a condition for 10% on site renewables.**

**119/12 SCHEDULE OF PLANNING APPLICATIONS**

**RESOLVED** that the applications be determined as follows :

- (a) THETFORD : Erection of foodstore (Class A1) with associated petrol filling station, car parking, servicing & access : Applicant : Location 3 Properties : Reference : 3PL/2012/0213/O (“Tulip”), and
- (b) THETFORD : Erection of class A1 foodstore petrol station, highway work, parking & related works : Applicant : Crown Estate & Pigeon (Thetford) Ltd : Reference : 3PL/2012/0748/O (“TEP”)

Michael Horn, Solicitor to the Council was present for both Agenda items which were discussed at the same time.

In answer to a comment raised by one Member that some Officers he wished to question about the applications were not present (one being a representative from NLP), the Solicitor to the Council advised that if Members felt at the end of the presentation, that they could not make a decision as they felt they lacked information, then they should defer both items.

Members had received correspondence about the applications one of which (Tulip), sought outline planning permission for the erection of an A1 retail/food store and associated petrol filling station on a site in Caxton Way, Thetford, and was for “access” only, with all other matters reserved and was recommended for outline planning permission and the other (TEP), where Outline permission was sought for a new retail

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foodstore, petrol filling station, car parking and access works, all matters reserved except for access, had been recommended for refusal.

Full and very clear presentations were given by the Principal Planning Officer (Major Projects) on the items (referred to throughout the presentation as Tulip and TEP). He clarified that the combined impact on comparison and convenience goods turnover in the town centre would be 18.6% with regard to Tulip (not 11.7%). The NPPF stated that when considering edge of centre and out of centre proposals, preference should be given to accessible sites that were well connected to the town centre.

Mr Beaumont, Property Director for Lidl, Objector (Tulip site), stated that should Location 3 Properties be approved, Lidl would not move forward on their proposals as there would be no further scope for food stores on that side of the town. The proposal would not help linkage to expansion zones and would increase carbon emissions. There had been interest in the employment land site from the adjacent land owner. The combined impact on comparison and convenience of 18.6% would have a significant effect and would harm the town centre and should be refused due to this as well as the loss of employment land.

Mr McPhillips, Head of Property, 2 Sisters Food Group, Objector (Tulip site), advised that the company was a very large local employer who were trying to expand their business. The Tulip application site was the only one they could expand onto as they wished to expand to brownfield which had services. Their offers to acquire it had been refused. If Members refused the Tulip application it would protect future employment on the site.

Mr Hoare, speaking as Agent for the Tulip site, stated that they had not received a revised offer from the 2 Sisters Food Group, and he believed there was room for expansion due to other land being adjacent to the Tulip site. Following consultation, 80% of the local community were supportive of the application which was a well connected site and was already part of Thetford's Development Framework. It was brownfield regeneration which would create jobs and investment.

In his role as Objector for the TEP site, Mr Hoare did not believe it was the right time to sacrifice a proportion of the TEP for retail development. The site was currently in the middle of nowhere with poor connections. He was unconvinced about the enabling development argument.

Mr Van Cutsem, Applicant (TEP Site), believed the sequential

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appraisal ignored the positive effects. There was no retail provision to the north of the town. Public transport links would be provided. The site was sequentially as good if not better and would have positive effects on the region. The TEP proposal would do far more for residents than the London Road site. The Enterprise Park had remained undeveloped for 20 years. Proceeds from the development would be reinvested into the site. The site would provide 1500 jobs in the future.

Mr Jermy, Ward Representative, spoke with regard to the Tulip site where he believed that a further supermarket would make traffic problems worse. As growth was planned to the north, it would be illogical to put a supermarket in the south. He was not convinced by the sequential test. There would be a potential impact on Thetford town centre and he was concerned that a supermarket could further undermine Thetford High Street, and was unconvinced it would stop leakage out of the town. His primary concern would be the loss of manufacturing land as land in Thetford had been consumed over time by retail. He wanted to know what the financial impact would be on the town centre as both applications spoke in percentage terms and wished to know what they related to. It was clarified that the percentages related to total retail expenditure.

It was felt the biggest impact would be on out of town stores. The Principal Planning Officer made reference to NLP's report in which it stated the number of closures in the town centre as a result of one of the two proposals was unlikely to be significant.

Lindy Warmer, Senior Economic Development Officer stated that for many years they had worked on the TEP. The TEP application would be their preferred option and would bring jobs to Thetford.

Mr Robinson, Ward Representative with regard to the Tulip site, had concerns that there were no figures available on how the proposed site would affect the Forest Retail Park and the access on Caxton Way.

Some Members felt they did not have enough information to make a firm decision on both applications, and could not ask questions as the relevant people were not present to provide the answers.

Comments from Thetford Town Council were as noted in the reports and upheld by Cllr P Spencer.

A Member felt that the Thetford Employment Park would be affected by what might happen in the future, and the proposal

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would breathe life into the employment park and should be taken into consideration.

Advice was given to the Committee by the Solicitor to the Council. Following clear advice from the Retail Impact Assessment both applications needed to be voted on together, resolutions to be considered were :

- Resolution 1 – Approve Tulip and refuse TEP
- Resolution 2 – Approve TEP and refuse Tulip
- Resolution 3 – Refuse both
- Resolution 4 – Approve both
- Resolution 5 – Defer

The following resolutions were made :

Resolution 1 – Approve Tulip and refuse TEP, was not supported

Resolution 2 – Approve TEP and refuse Tulip, was not supported

Resolution 3 – Refusal of both applications was supported. The reasons for refusal were on the grounds of loss of employment land for both applications and lack of information. The Planning Manager did not believe Members had explored thoroughly the reasons for refusal as they raised significant issues with regard to retail impact and had not explored deliverable benefits and he advised that the issues be looked at further.

The Solicitor and Standards Consultant advised the Committee that if they wished to withdraw the resolution to refuse both applications they must vote to do so.

A new proposal was made to withdraw Resolution 3, which was passed.

A further recommendation was made to defer the application which was seconded.

**RESOLVED, that contrary to the recommendation of Officers, the applications be deferred to allow time for further information to be made available on the likely significance of each scheme on the town centre in terms of retail impact and a thorough assessment of the reality of deliverable benefits associated with the TEP site together with the proposed mechanisms and timing of delivery. Members made it clear that they would additionally need to fully understand the situation regarding concrete offers made on the Tulip site by an objector and that they would expect a representative from**

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**NLP to be in attendance when the applications were brought back to Committee in order to respond to questions on the veracity of the retail impacts of the proposals on the town centre offer.**

Michael Horn left the meeting.

- (c) GARVESTONE : Manager/bailiffs dwelling in association with fishing lakes : Applicant : Mr A Thompson : Reference : 3PL/2012/0808/O

Indicative drawings illustrated a large two storey dwelling with regard to the application which sought outline planning permission (with all matters reserved) for a manager's/bailiff's dwelling in association with the fishery lakes, outside the Settlement Boundary.

It was recommended for refusal because it represented the erection of a dwelling in the countryside without special justification, it would have a harmful impact on the ecology and landscape of the area and would not provide acceptable living accommodation for future occupiers because of animal odour from a nearby livestock holding.

Mr Took, Agent, stated that whilst it was outside the Settlement Boundary a number of factors needed to be taken into account as an exception was justified. The site was a significant attraction and brought visitors to the area and the proposal was necessary to ensure the viability of the site and to maintain fish stocks along with their welfare. The design submitted was not part of the outline proposal and should be ignored.

**Refused, as recommended.**

- (d) HARLING : MMA to 3PL/2010/0596/F – materials, garden room P1.40, Pls.5-10 stepped, Pls 33-36 moved, change garage/carports : Applicant Heritage Developments : Reference : 3PL/2012/0870/F

Revisions were listed in the report for the application which sought permission for a material minor amendment to an approved residential development (3PL/2010/0596/F). As the scheme continued to have adequate regard for the character and appearance of the area and neighbour amenity when seen in the context of the previous approval, the application was recommended for approval.

**RESOLVED, that the application be deferred and the Officers authorised to approve it as recommended, on completion of the legal agreement.**



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- (e) HARLING : Proposed Super Eco Detached Dwelling House with integral garage : Applicant : Mr & Mrs A Hales : Reference : 3PL/2012/0882/F

The proposal adopted a contemporary approach with a mix of traditional and contemporary materials for a dwelling to be built as an “eco” dwelling, and full planning permission was sought for the new detached two storey dwelling within the side garden of an existing dwelling, outside the Settlement Boundary.

It was considered that the proposal did not meet the challenging targets set by the NPPF with regard to achieving an exceptional quality or innovatively designed dwelling as required by the NPPF. Furthermore, it did not take appropriate account of protected trees on site, and therefore was recommended for refusal.

Mrs Jolly, Ward Representative, stated that there were differing views within the parish. Whilst it was outside the Settlement Boundary development area of East Harling, it was within the parish boundary and she asked that the application be considered favourably. Five letters of support had been received for the application. There were varying architectural style dwellings in the area. The energy saving credentials proposed would make it outstanding and intuitive and would create interest and projects of that nature were important to raise the bar for future house building.

Mrs Hales, Applicant, stated that the proposal could pass as Norfolk’s first passive house. It would generate its own electricity, with a large percentage going back to the grid and local community. Solar panels would be used as would recycled products. The reed bed sewerage system, long grass, sedum roofs, composting and additional planting of more trees and shrubs would encourage wildlife. There would be minimal impact on the environment whilst it was being built. It would be a typical example of a house of the future and would inspire others. The trees with the TPOs would be protected. She would be happy to provide a certificate to prove it achieved Code level 6 of the Code for Sustainable Homes.

**Refused, as recommended.**

**Notes to Schedule**

<b>Item No.</b>	<b>Speaker</b>
1	Mr Beaumont, Objector Mr McPhillips, Objector Mr Hoare, Agent Mr Birtles, Agent

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	Mr Jermy, Ward Representative
2	Mr Hoare, Objector Mr Van Cutsem, Applicant
3	Mr Took, Agent
4	
5	Mr & Mrs Hales, Applicants Mrs Jolly, Ward Representative

**Written Representations Taken Into Account**

<b>Reference No.</b>	<b>No. of Representations</b>
3PL/2012/0213/O	8
3PL/2012/0748/O	2
3PL/2012/0808/O	2
3PL/2012/0870/F	
3PL/2012/0882/F	5

**120/12 APPLICATIONS DETERMINED BY THE DIRECTOR OF COMMISSIONING**

Noted.

**121/12 APPEAL DECISIONS (FOR INFORMATION)**

Noted.

**122/12 INTERESTS IN APPLICATIONS THROUGH FRIENDS**

The Solicitor discussed the interests in applications through friends under the new Code of Conduct and under the general law, and gave advice on the appropriate action Members of the Committee would need to take.

The meeting closed at 1.40 pm

CHAIRMAN