

**BRECKLAND COUNCIL**

**At a Meeting of the**

**DEVELOPMENT CONTROL COMMITTEE**

**Held on Monday, 20 September 2010 at 9.30 am in  
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Councillor E. Gould (Chairman)	Mrs D.K.R. Irving
Councillor Claire Bowes	Mr J.P. Labouchere
Mrs M.P. Chapman-Allen	Mr F.J. Sharpe
Mr P.J. Duigan	Mrs P.A. Spencer
Mr P.S. Francis	Mr N.C. Wilkin (Vice-Chairman)
Mr M. Fanthorpe	

**Also Present**

Mrs J. Ball	Mr I. Sherwood
Mr M.A. Kiddle-Morris	Mr A.C. Stasiak
Mr J.W. Nunn	

**In Attendance**

Heather Burlingham	- Assistant Development Control Officer (Capita Symonds for Breckland Council)
John Chinnery	- Solicitor & Standards Consultant
Phil Daines	- Development Services Manager (Capita Symonds for Breckland Council)
Helen McAleer	- Senior Committee Officer
Nick Moys	- Principal Planning Officer (Major Projects) (Capita Symonds for Breckland Council)
Darryl Smith	- Principal Housing Officer (Strategy and Enabling)
David Spencer	- Principal Planning Policy Officer (Capita Symonds for Breckland)

**159/10 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 1 September 2010 were confirmed as a correct record and signed by the Chairman.

**160/10 APOLOGIES & SUBSTITUTES**

Apologies for absence had been received from Mr S Rogers and Mr T Lamb.

Mr P Duigan was in attendance as Substitute for Mr S Rogers.

**161/10 DECLARATION OF INTEREST AND OF REPRESENTATIONS  
RECEIVED**

The Town Council's response to Deferred Item 8a Swaffham was tabled for each Member. Mr F Sharpe noted that he had been present at a meeting between the applicant and Swaffham Town Council concerning this application.

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Mr P Duigan and Mr P Francis had received direct representation concerning Deferred Item 8c Harling.

All Members noted that they had received direct representation in respect of:

- Agenda Item 9 (Schedule Item 1) - Attleborough
- Schedule Item 5 - Attleborough

Mr P Francis noted that he had had conversations with the applicant for Schedule Item 5 – Attleborough and he had called the application in for consideration by the Committee.

**162/10 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded Members of the following events:

- CABE training to be held on 8 October.
- Development Control bus tour to be held on 12 November.

She also advised Members that she had received an invitation from the Swaffham Gospel Hall Trust for Members to visit the new church at Ashill (which had been approved by Development Control Committee) at 10.00am on 17 October. Any Member wishing to attend should contact the Chairman as soon as possible.

**163/10 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA**

The Principal Planning Officer (Major Projects) advised Members that the applicant had requested a deferral of Schedule Item 2 (Kenninghall) for additional time to provide supporting information particularly in relation to noise and smell.

It was noted that the applicants had been given advice on the information required to be submitted with the application and a Member proposed that the request should be refused as sufficient time had already been allowed for them to provide the information.

**RESOLVED** that the request for deferral be refused.

**164/10 URGENT BUSINESS**

None.

**165/10 LOCAL DEVELOPMENT FRAMEWORK (STANDING ITEM)**

Nothing to report.

**166/10 DEFERRED APPLICATIONS**

**167/10 SWAFFHAM: 15A MARKET PLACE: 3PL/2010/0707/LB (AGENDA ITEM 8A)**

The Town Council's response to this application was tabled for Members. They were also given a copy of Counsel's Advice (as a confidential

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document).

Mr Sharpe noted that he had been present at a meeting between Swaffham Town Council and the applicants.

The Principal Planning Officer (Major Projects) gave Members a brief refresh of the application details. The matter had been deferred to seek legal advice.

The Solicitor explained that Members were being asked to consider if the proposed changes to the listed building were acceptable. They were not looking at the use of the premises.

If Members were minded to grant permission for the changes to the building, they would not be granting permission for the use. According to the advice received from Counsel the proposed use as a funeral directors, was covered by the existing A1 use class of the premises. The use should therefore not be taken into account.

Mr Bishop, Town Clerk, said that they had drawn attention to the strength of local objection to the proposal at the previous meeting. The new Government intended to allow local people to have a greater say in decisions affecting their area. The Town Council had met with the applicants and suggested that there were more appropriate premises nearby. The Agent had originally claimed that no bodies would be kept on the premises overnight and that only the rear access would be used when moving bodies in and out of the building. However, at the meeting with the applicant it had been confirmed that up to three bodies would be stored overnight and that the front access might be used. The Town Council were horrified by this. It was not the right place for such a use. Planning authorities should grant permissions that made a positive contribution to the historic environment – if granted this permission would destroy the social and cultural heart of Swaffham.

Mr Sherwood, Ward Representative, understood the Committee's position: however, he read out an excerpt from proceedings in the House of Commons where the classification of funeral directors had been discussed and it had been stated that it was up to local planning authorities to decide if a proposal should fall within the shop class. Furthermore, he suggested that if bodies were to be stored on the premises, refrigeration would be needed.

For clarity, the Development Services Manager, advised Members that they were only being asked to consider an application for Listed Building Consent and that approval would not prejudice the Council's position in relation to any other permissions that might be required.

Many Members considered that the proposed use was inappropriate but the Head of Legal Services advised that they would be acting unlawfully if they took the use of the building into account when making their decision.

A Member noted that given the level of public concern at this application it was a shame that no representative from the Applicant was present.

After further comments from Members about the effects of the proposal on the viability of Swaffham and particularly on the eatery immediately adjacent; on the Use Class classification; and on their inability to protect the

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people of Swaffham, it was agreed that the Development Services Manager should be asked to write to the applicants, clearly expressing Members' feelings that this was not an appropriate site for the proposed use. However, it was:

**RESOLVED** that Listed Building Consent be granted subject to the amended plans and details supplied in respect of works to the building.

**168/10 NORTH PICKENHAM: PROPOSED RESIDENTIAL DEVELOPMENT:  
3PL/2010/0742/F (AGENDA ITEM 8B)**

Members were reminded of the details of the application which had been deferred for clarification of the legal position with regard to the affordable housing provision.

Originally the applicant had proposed to retain and manage the affordable housing, however, following further negotiations he now proposed to transfer the affordable housing to a Housing Association under a legal agreement.

The original recommendation had been for refusal, although Officers had acknowledged that the issues were finely balanced and Members had tended towards approval.

Mr Evans, Agent, hoped that the application could be approved now that the legal agreement had been sorted out.

Mrs Ball, Ward Representative, was present in support of the application.

The Committee thought that the proposal was acceptable, bearing in mind PPS3 and the tests contained in that document.

**RESOLVED** that the application be deferred and the officers authorised to grant approval, subject to conditions, on completion of the section 106 agreement.

**169/10 HARLING: PROPOSED RESIDENTIAL DEVELOPMENT,  
KENNINGHALL ROAD: REFERENCE: 3PL/2010/0596/F (AGENDA  
ITEM 8C)**

Some Members had received correspondence relating to the legality of this application.

The Solicitor advised that the Committee had acted properly in deferring the application to request additional information. There was no legal duty on the Council to re-consult on amendments made although they normally did if there was sufficient time and the changes were significant. In this case it was the view of the Officers that the changes submitted were not significant enough to require re-consultation.

The Principal Planning Officer (Major Projects) explained that the application had been deferred for further negotiations on design and layout. Amended plans had been submitted the previous week and Members were shown both the new and original plans with the changes highlighted.

The housing layout had been revised and the second area of Open Space

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had been relocated and was now better integrated and more secure from overlooking. This was considered to be a significant improvement.

Additional landscaping to the boundary was also shown on the revised plans, in line with requirements. More planting was also proposed to parking courts, to reduce their visibility.

Finally, changes had been requested to the design of the blocks of flats and the original and newly submitted elevations were shown to Members.

These relatively minor changes had addressed all the outstanding issues. There had been no time for consultation, but the changes were minor and did not impact on neighbouring residents. They had been available on the public website from the middle of the previous week.

Mr Bartram, Applicant, said that they had consulted the Parish Council at various stages and had approached them with the current amendments. They unanimously supported the scheme.

Mrs Chapman-Allen had been contacted by the Chairman of the Parish Council. He had apologised that no-one from the Parish Council was able to attend the meeting and had confirmed that they still fully supported the application.

A Member asked if the Council's Housing Officer was happy with the scheme and this was confirmed.

**RESOLVED that the application be deferred and the officers authorised to grant approval, subject to conditions including additional landscaping, on completion of the section 106 agreement.**

**170/10 ATTLEBOROUGH: PROPOSED RESIDENTIAL DEVELOPMENT, NEW ROAD/LONDON ROAD FOR R FOULGER, E SPIN, M GOLDSMITH, H WOOLSTON: APPLICATION REFERENCE: 3PL/2010/0427/O (AGENDA ITEM 9)**

All Members had received direct representation regarding this application.

This was an Outline application for 80 dwellings with only access to be considered. Indicative layout plans had been provided.

The site was within the Settlement Boundary but had a long-standing allocation as proposed Open Space. The applicant argued that despite its long-standing allocation, no interest had been shown in adopting this use. There was a current shortfall of Open Space in Attleborough.

With regard to PPS 3 and the housing land supply, the site performed reasonably well, but did not meet the criteria because of the conflict with its Open Space allocation. There was also uncertainty about the site's short-term deliverability as Anglian Water had raised an objection due to the lack of capacity for foul water disposal.

Mrs Wallace-Hill, Objector, said she represented local residents who had submitted a petition of about 150 signatures to retain the site as Open Space. There was already an issue with parking leading to on-street parking. There were no play areas for children. The development was not

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in keeping with the local area as it included three storey apartment blocks and houses backing onto the London Road. They did not want the hedge cut back because it shielded the houses from the industrial estate.

Mr Westaway, Agent, was disappointed in the Officer's report which he said contained omissions and errors. The site's 37 year history had been omitted. The Town Council had suggested using the site as a cemetery (which accorded with the Open Space classification but did not provide amenity/play space). The Anglian Water objection was not consistent with evidence in the Water Study which said no problems were expected before 2014.

Mr Stasiak, Ward Representative, supported the Officer's recommendation of refusal. He had been contacted by many residents concerned at the shortfall in Open Space provision in Attleborough. 20 years ago 75 dwellings had been built and this area of Open Space had been intended as part of that permission, and it should not be allowed to be built on.

The Development Services Manager referred to the critical comments made about the report. He clarified that the report reflected the views of the team, not just one officer.

A Member felt that this area of Open Space provided a buffer between existing housing and the industrial area. He was concerned that if development was permitted it might lead to pressures on the commercial activities, relating to noise and hours of operation.

A local Member thought that the report had outlined the issues well. The Town Council had made attempts to acquire the land for use as either a cemetery or for allotments.

**RESOLVED to refuse the application on the following grounds:**

- **Contrary to allocation as proposed Open Space;**
- **Failure to satisfy requirements of PPS3;**
- **Inadequate foul drainage infrastructure;**
- **Detrimental to highway safety due to increased traffic movements at a substandard junction; and**
- **Potential harm to archaeological interests.**

**171/10 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 10)**

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

- a) Item 1: Attleborough: Land at London Road/New Road: Residential development comprising 80 dwellings, roads, footpaths and 0.55ha open space: Reference: 3PL/2010/0427/O

**Refused, see Minute No 170/10.**

- b) Item 2: Kenninghall: North Lopham Road: Proposed Biomass Renewable Energy facility: Reference: 3PL/2010/0656/F

This application was for the construction of a biomass plant and included a new access, a drainage lagoon and a pipeline to another lagoon, some distance away.

The biomass plant consisted of a combined heat/power unit, two

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large silage clamps, a storage building for poultry litter, the main digestion plant and drainage to the lagoons. The fermentation tanks were substantial structures and visual impact was a key issue for consideration, along with residential amenity. The applicants had provided photo montages and artist's impressions of the site with landscaping, although it was pointed out that this was substantial and would take years to achieve.

The issues concerning residential amenity were less clear. A poultry farm and an existing dwelling were only 250 metres from the proposed plant and the next closest building was the school. Due to the lack of information provided it was not clear that amenity would not be harmed and there was potential for impact from noise and smell.

Mr Gordon, from the Parish Council, said they had been contacted by many residents who thought that the proposed plant was too close to the village. Prevailing winds were south westerly (from the plant towards the village). There were concerns about noise, odours, flies and vermin. The plant was also close to the water supply, overlying an aquifer and could lead to water contamination. It would be a blot on the landscape for at least 15 years and would produce vast amounts of heat.

Mr Hall, objector, was Chair of the School Governors. He had studied bio-digesters and said this was the biggest he had ever seen. He doubted that maize would be the main fuel source and suggested that chicken litter was more likely as the applicant owned chicken clean-out companies. The plant would need to be fully enclosed to control rats, flies and ammonia released from the poultry manure.

Mr Roberts, objector, was a consulting engineer and he had done some calculations for the largest dome and concluded that it would contain enough methane to produce the same energy as TNT with tremendous explosive potential. It was therefore too close to the school.

Mr Took, Agent, said that global warming and climate change were facts that needed to be addressed by developing renewable energy projects. This was a minor project which would have less impact than wind turbines and would use an agricultural by-product as fuel. The plant would be licensed by the Environment Agency and would conform to planning conditions. It provided a unique opportunity for two farms to work together providing power from crops and animal manure and jobs and income. They had a clear mandate to protect the local community. The site had been chosen carefully to allow access to the national grid. The landscaping scheme would integrate the plant.

Mr Nunn, Ward Representative, agreed that alternative energy sources needed to be found. He said that the land and the animal slurry was available, the main cost was to provide cabling to link to the grid and this had to be set against safeguarding the local community. It was up to the Council to allow projects to go ahead in appropriate positions and appropriate conditions. He asked the Committee to think carefully about the facts of the case whilst

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recognising the need to provide green power in the future.

A Member asked why the plant could not be moved further from the village and Mr Goodrum, applicant, explained that if the distance to the grid connection was doubled, the overall costs of the project were doubled. The site had been chosen because of its access. It could be tweaked a little but had to fit a lot of parameters, and soil conditions were unsuitable where the Parish Council was proposing it should be.

Members discussed the position of the plant, quite close to the village; the possible dangers of the methane held in the tank; and sought clarification of the Environment Agency's conditions. It was pointed out by the applicant that methane posed an explosive risk when it was held under high pressure and that it would be held at very low pressure in the plant.

**Refused, as recommended, due to adverse impact on rural landscape and harm to local amenity.**

c) Item 3: Watton: Drome Garage, Norwich Road: Residential Development: Reference: 3PL/2010/0706/O

This outline application proposed 19 dwellings on a site currently used as a garage. There was a policy objection as half of the site fell outside the Settlement Boundary.

The principle of development had already been agreed and Officers considered that a deviation from policy was acceptable in this case as the proposal met all of the relevant criteria. Design matters would be dealt with at the detailed planning stage.

In response to a Member's question it was confirmed that the existing lay-by was expected to be incorporated into the scheme and the hardstanding removed.

Another Member asked why the whole site was not included in the Settlement Boundary if development had previously been approved and it was pointed out that it would almost certainly be included under the new plan.

**Approved, as recommended, subject to additional conditions requiring a high standard of design and landscaping in connection with the lay-by.**

d) Item 4: Harling: Grigsons Wood, School Lane: Part demolition of flint boundary wall and reconstruction: Reference: 3PL/2010/0731/CA

This application sought permission to demolish and re-build an area of wall – part of which had already collapsed.

Mr Kiddle-Morris was in attendance as Executive Member for Economic and Commercial with responsibility for Breckland Council owned land. He explained that the existing materials had been kept and would be used for the re-build.

**Approved, as recommended.**

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e) Item 5: Attleborough: Wood Farm, Deopham Road: Single detached dwelling: Reference: 3PL/2010/0780/F

Members had received direct representation concerning this application and Mr Francis had spoken with the applicant and had called the application in for determination by the Committee.

The proposal was to build a contemporary dwelling on a site enclosed by existing vegetation. The main issue was that the site was outside the Settlement Boundary. The justification offered in support of the application was that the dwelling would provide security for the farm and would demonstrate the use of renewable energy products sold by the business.

There was an exemption in PPS7 for outstanding projects, particularly those using modern building methods and renewable energy, but to qualify the construction had to be to the highest standard and be outstanding and ground-breaking. Although Officers considered there was much to commend this project, it was not felt to have sufficient merit to justify an exception to policy.

Mr Took, Agent, said that the issues were not straightforward. Government advice supported groundbreaking and innovative projects and he suggested that the new sustainable techniques to be incorporated in the construction would achieve Code Level 5. This would be at considerable cost, only made possible by the dwelling being built on the applicant's father's land. The house would also be a considerable asset to the business.

Mr Francis said that this application was 'spot on' providing a Code Level 5 house which should not be turned down.

A Member asked why the house could not be built close to the farm if it was for security and the Agent explained that for practical, farm management reasons, this was the most appropriate siting, on a parcel of land with limited agricultural worth.

The applicant was asked to explain Code Level 5 and he said that it would provide a 100% improvement on emissions, being almost carbon neutral and would use 75% low energy. It would incorporate water collection systems; would have no heat emissions and utilise special waste minimising procedures during the build.

**Refused, as recommended, due to failure to meet PPS7 quality and build requirements, insufficient agricultural need and unsustainable location.**

**Notes to the Schedule**

<b>Item No</b>	<b>Speaker</b>
1 (Agenda Item 9)	Mr Stasiak – Ward Representative Mrs Wallace Hill – Objector Mr Westaway - Agent
2	Mr Nunn – Ward Representative Mr Gordon – Parish Council Mr Hall – Objector

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	Mr Roberts – Objector Mr Took – Agent Mr Gooderham - Applicant
5	Mr Took – Agent Mr Alston - Applicant
Deferred Item 8a	Mr Sherwood – Ward Representative Mr Bishop – Town Council
Deferred Item 8b	Mrs Ball – Ward Representative Mr Gray – Applicant Mr Evans - Agent
Deferred Item 8c	Mr Bartram - Applicant

**Written Representations taken into account**

Reference No	No. of Representations
3PL/2010/0427/O	9
3PL/2010/0596/F	6
3PL/2010/0656/F	77
3PL/2010/0706/O	2
3PL/2010/0707/LB	117
3PL/2010/0742/F	5

**172/10 RETAIL STUDY (AGENDA ITEM 11)**

The Principal Planning Policy Officer updated Members on the Retail and Town Centre Study and gave a short presentation on the information provided (copy attached for information).

The methodology used answered two questions:

1. What is the need for new retail development over the next 15/16 years?
2. What scope is there to accommodate new development.

The various retail areas in Breckland were defined on a map (page 147) and fell into five zones around the market towns. Some parishes were outside the retail zones as they went outside the district for their retail needs.

In conclusion it was noted that:

- the figures were down from the 2007 estimates and showed a decline in High Street retail spending;
- Dereham and Thetford remained the two principle centres for retail in the district; and
- most new requirements could be accommodated in town centres.

A Member noted that there were a lot of empty shops in the town centres and was also concerned about the increase in internet sales.

In response the Principal Planning Policy Officer said that allowance for on-line retail had been made in the methodology. He also advised that the district had a lower than national average for empty shops except in Swaffham.

A Member pointed out a few minor errors in the report regarding Watton.

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Another Member asked who the report was aimed at and wondered how many new business had come to Dereham since 2007. He suggested that the document should promote growth and was concerned that it did not mention a new bus circulation route in Dereham, to get busses out of the market place.

The Principal Planning Policy Officer said that the evidence in the report would be sent to Norfolk County Council. They were working on the next revision of the local transport plan.

The report was noted.

**173/10 APPLICATIONS DETERMINED BY THE DEPUTY CHIEF EXECUTIVE (FOR INFORMATION)**

Noted.

**174/10 APPEAL DECISIONS (FOR INFORMATION)**

Noted.

**175/10 ENFORCEMENT ITEM**

In response to questions submitted by a Member, the Development Services Manager advised that the Stop Notice issued to Mr Todd in Billingford was being enforced. Discussions were on-going and the Rivers Authority was being kept informed.

The Chairman clarified that the Mr Todd in question was not her uncle of the same name, who also lived near Billingford.

The meeting closed at 12.55 pm

CHAIRMAN

# Retail & Town Centre Study 2010

## Development Control Committee 20<sup>th</sup> September 2010

Capita Symonds  
for Breckland Council



# Background

Need to Update 2003 & 2007 Retail Study findings to take on board:

- Adopted Core Strategy
- Latest retail spending estimates
- Recent retail developments affecting the District

It will inform final content of LDF Site Specifics document and Area Action Plans

And, it will be used to guide day-to-day planning decisions.

# Methodology

2 key questions

What is the need for new retail development 2010-2026?

What is the scope to accommodate retail growth?

Step 1: Define/agree retail catchment areas

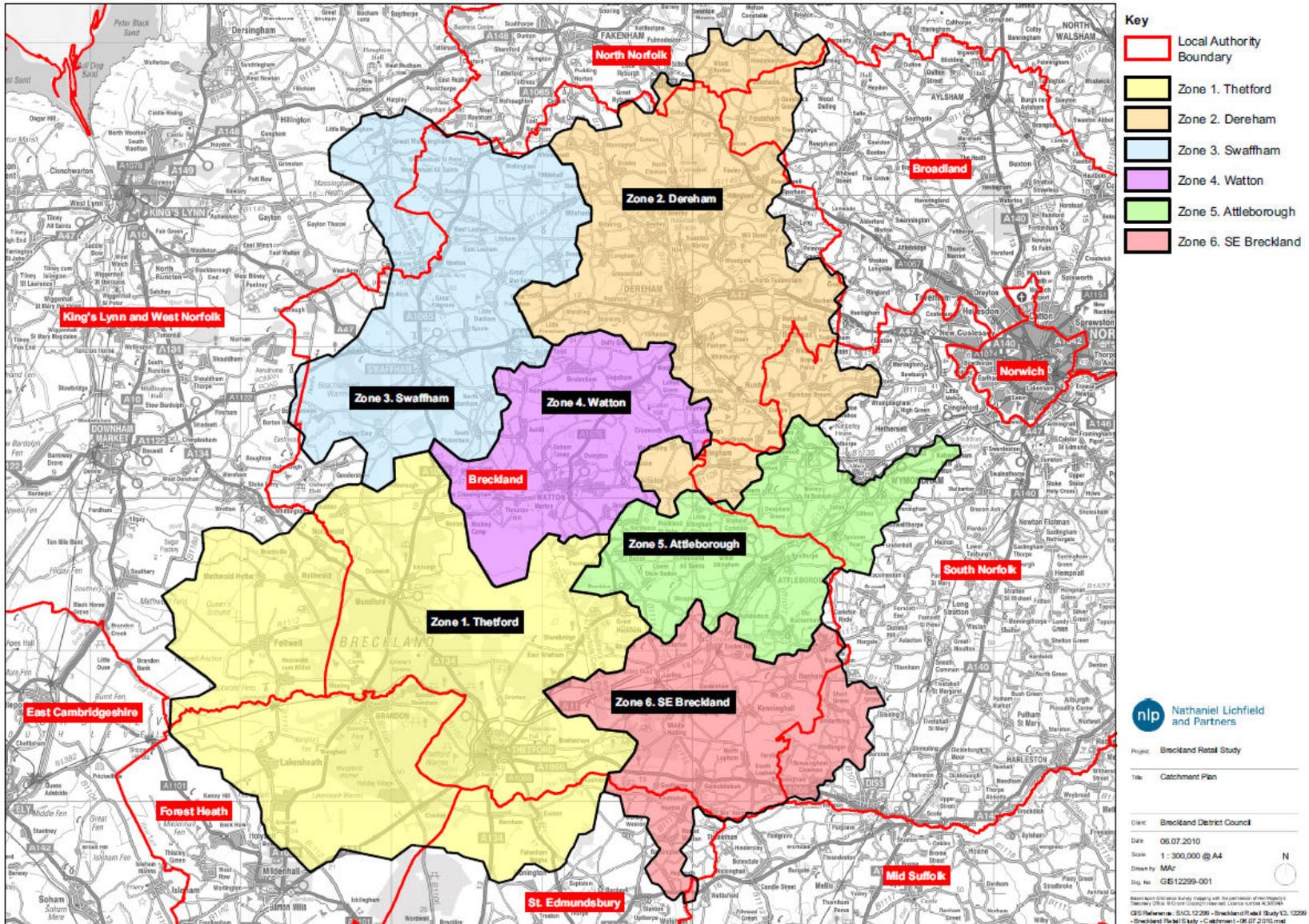
Step 2: Household Survey (1,000 households)

ω Step 3: Net Population Projections to 2026 (inc. growth)

Step 4: Experian Goods Based Expenditure Estimates

Step 5: Qualitative Need & Survey of current shopping  
Environment together with assessment sites

Step 6: Occupier Demand



**nlp** Nathaniel Lichfield and Partners

Project: Breckland Retail Study

Title: Catchment Plan

Client: Breckland District Council

Date: 06.07.2010

Scale: 1 : 300,000 @ A4

Drawn by: MAR

Doc. No: G512299-001

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# Headline Figures

- 19% increase in population from 157,500 in 2001 to 187,500 in 2026
- Food shopping increase from £247million to £292million
- Non Food shopping increase from £207million to £460million
- 15,600sqm net new retail floorspace

5

# Thetford

Cumulative Net sqm Floorspace	2010-16	2010-21	2010-26
Food	330	948	1547
Non-Food	0	3,778	8,363

9

Floorspace demand coincides with growth to the north

Figures take account of permissions at Forest Retail Park & Tesco

Short term food need to the town centre and 1200sqm to the urban extension

All non-food shopping to the town centre

6 Town Centre redevelopment opportunities (pages 187-192)

# Dereham

Cumulative Net sqm Floorspace	2010-16	2010-21	2010-26
Food	1,684	1,805	1,929
Non-Food	1,730	4,931	8,508

Immediate need for a medium supermarket – town centre

The most popular town centre in the District – influence over the north Breckland area and parts of North Norfolk and Broadland districts

3 Town Centre redevelopment opportunities (pages 193-195) with sites D1 and D2 presented as the preferred site in the LDF Sites document

# Attleborough

Cumulative Net sqm Floorspace	2010-16	2010-21	2010-26
Food	1,058	1,218	1,536
Non-Food	574	1,265	2,261

∞

Immediate need for a medium sized supermarket – ideally town centre but evidence points to an edge of town location

3 Town Centre redevelopment sites identified (pages 197-199) including Former Gaymers Factory site (Banham Poultry)

Very low vacancy rates, Sainsburys anchors the town centre

# Swaffham

Cumulative Net sqm Floorspace	2010-16	2010-21	2010-26
Food	0	0	0
Non-Food	334	680	1,062

6 Food floorspace figures take account of unimplemented permission to extend Waitrose and new Iceland store. Netto likely to be reformatted as an Asda.

Significant leakage to Dereham and King's Lynn for food and non-food.

One possible town centre site – Post Office sorting building and former Sixth Form Centre building (page 196)

High vacancy rates and few larger premises attractive for multiple retailers.

# Watton

Cumulative Net sqm Floorspace	2010-16	2010-21	2010-26
Food	0	0	0
Non-Food	495	985	1,545

Figures take account of Tesco extension permission

Low vacancy rates but very limited multiple retail offer

1 possible town centre redevelopment opportunity which is a town centre car park (page 200) – very limited scope for further town centre development

Maintain town centre for day-to-day needs

# Summary

- Whilst there is a significant increase in need from latest 'estimates', this is lower than the 'projections' used in 2007 (overall 'high street' retail spend per household is declining and on-line sales are increasing)
- Dereham and Thetford will continue to operate as the two principal retail centres in Breckland although population increase in Attleborough has an effect on figures
- Swaffham and Watton retain current market share
- Most of the new retail floorspace can be accommodated in Town Centres if sites are allocated and a commitment is made to bringing those sites forward