

Item No.	Applicant	Parish	Reference No.
1	Location 3 Properties	THETFORD	3PL/2012/0213/O
2	Crown Estate & Pigeon (Thetfor	THETFORD	3PL/2012/0748/O
3	Mr A Thompson	GARVESTONE	3PL/2012/0808/O
4	Heritage Developments	HARLING	3PL/2012/0870/F
5	Mr & Mrs A Hales	HARLING	3PL/2012/0882/F

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ITEM	1	RECOMMENDATION : APPROVAL
REF NO:	3PL/2012/0213/O	CASE OFFICER: Chris Raine
LOCATION:	THETFORD Former Tulip International Site Caxton Way	APPN TYPE: Outline POLICY: In Settlemnt Bndry ALLOCATION: General Employ Area CONS AREA: N TPO: Y LB GRADE: N
APPLICANT:	Location 3 Properties c/o Agent	
AGENT:	Simply Planning 25 Manchester Square London	
PROPOSAL:	Erection of foodstore (Class A1) with associated petrol filling station, car parking, servicing & access	

KEY ISSUES

Principle of development
Loss of employment land
Retail impact
Sequential test
Town Centre impact
Other retail proposals in Thetford
Highway safety
Compatibility with neighbouring sites
Potential land contamination
Character and appearance of the area

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning permission for the erection of an A1 retail/food store and associated petrol filling station on a site in Caxton Way, Thetford. The foodstore would have a gross floorspace of 5,110 square metres. The net sales area of 3,149 square metres would be split 65:35 between convenience and comparison goods respectively. The application seeks to deal with "access" only with all other matters reserved. The application includes 2 x indicative layouts (alternative siting of petrol filling stations put forward) and indicative elevations. The site access adjoins the Caxton Way carriageway to the east of the site which in turn adjoins the London Road carriageway to the south. A service access comes into the site directly from the London Road.

Attention is also drawn to the planning application for a new retail foodstore on Mundford Road, Thetford (3PL/2012/0748/O), which is the subject of a separate report on this agenda.

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SITE AND LOCATION

The application site consists of a roughly rectangular shaped plot of land which contains vacant premises formerly used for the production/manufacturing of food. To the south-eastern boundary of the site is the London Road carriageway and there is a single vehicular access from the site in its south-western corner. To the north-east is the Caxton Way carriageway which also has a single vehicular access into the site. To the north-west are commercial premises. To the south-west is a tree belt.

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant site history

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.03	Employment
CP.05	Developer Obligations
CP.06	Green Infrastructure
CP.07	Town Centres
CP.09	Pollution and Waste
CP.13	Accessibility
DC.01	Protection of Amenity
DC.06	General Employment Areas
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.14	Energy Efficiency
DC.19	Parking Provision
NPPF	Paragraph 22 Alternative Use of Allocated Employment Sites
TH18	Sustainable Construction Standards for Non-Residential Development
TH24	Walking and Cycling

CONSULTATIONS

THETFORD T C -

Further comments: The revised access arrangements are an improvement

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The Committee do not favour the use of industrial land being lost to a supermarket, they do not agree with a new entrance onto the 40mph London Road. They think this is in the wrong place, there are too many supermarkets in one area of the town which will cause major traffic problems on the busy London Road. There is Sainsbury already, Lidl has planning permission to come and this would be another supermarket in the same area. With all the planned growth of housing going to the North another supermarket ought to be on that side of town

ENVIRONMENT AGENCY

No objection subject to conditions.

NATURAL ENGLAND

No objection.

NORFOLK CONSTABULARY

No objection from the Architectural Liaison Officer. The Community Infrastructure Project Officer has requested that financial contributions are made to Police Infrastructure.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions and legal agreement.

TREE & COUNTRYSIDE CONSULTANT

This is an outline application for which only access has been requested to be considered in detail. However, details supplied in respect of trees and landscape relate specifically to a layout that the accompanying text implies has been decided and which the submitted plan shows in detail.

My comments are confined strictly to the insertion of a new access from London Road to the front of the site, but it is nonetheless impossible to disregard other inevitable consequences.

A number of trees currently outside the security fencing would be lost by the creation of a new access from London Road. The precise details and thus the number and nature of trees lost might to be subject to negotiations with NCC Highways. Furthermore, this proposed access would create an inevitable conflict with the six plane trees subject to Tree Preservation Order 2012 No.1 within the existing parking area.

The firm principle determining all changes to the existing tree stock during any future development of this site should be that there should be no net loss of trees and that all trees removed should be replaced by stock of equivalent size elsewhere on the site.

The amendment represented by amended Drawing No.21581PL(O) 01 Rev.A similarly loses different trees in different positions but being an outline application the matter of loss and compensation cannot be adequately explored. I am of the opinion that this application should be made as a "full" application.

The appeal against TPO 2012 No.1 has now been dismissed by Breckland Council so this issue needs resolving in detail.

ECONOMIC DEVELOPMENT

Members should be given the opportunity to consider the merits of an application for a supermarket on Caxton Way in the context of the development proposals for the Thetford Enterprise Park. Although both proposals would mean the reduction of employment land the Thetford Enterprise Park proposals would unlock a key strategic employment site for the town.

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Over time this would result in a net gain of employment land of some 30 acres and make a substantial contribution to the local plan job requirements of 5,000 jobs by 2021.

ENVIRONMENTAL HEALTH OFFICER

The operator of the petrol filling station will need to apply for an Environmental Permit to be in place prior to commissioning.

CONTAMINATED LAND OFFICER

No objection subject to a condition.

THETFORD SOCIETY

Object. Loss of industrial land, proximity to and negative impact upon similar outlets, location on the other side of town from the Thetford urban extension, traffic related concerns.

PROJECT OFFICER NORFOLK CONSTABULARY

Request meeting with planning offer to discuss the issue of developer contributions towards necessary Police infrastructure.

ENVIRONMENTAL HEALTH OFFICERS

No objection.

ENVIRONMENTAL PLANNING

In addition to the response supplied by NLP in relation retail impact. The following points are raised:

Based on the figures in the 2010/2011 Employment Land Monitoring Report by Norfolk County Council and the applicant's supporting statement it would appear that Thetford may not have a shortage of employment land. However, there appears to be a number of errors identified within the overall assessment within the applicants supporting statement in respect to the available employment land in Thetford.

Firstly, Table 9 of the 2010/2011 Employment Land Monitoring Report by Norfolk County Council is incorrect that there are 18.8 ha of land with planning permission (TEP). Furthermore, as of April 2012, Norfolk County Council state that there was 23 ha of undeveloped employment land in Thetford, updating the figure from the 2010/2011 NCC report. Furthermore, the report does not include all the land which has gained planning permission through the TAAP (of which some has been re-organised and not truly reflected in the 2010/2011 report).

Therefore, rather than focusing on the employment land figures, I think it would be important to concentrate on whether local and national policy requirements have been addressed.

The application site itself is part of a General Employment Area as identified on the Proposals Map. The identification of General Employment Areas was based upon the findings of the Employment Land Review which identified existing employment sites that were considered to be fit for purpose and, as noted in the Core Strategy, are considered to be attractive to the employment market and either realistically able to accommodate further employment development or are established for employment uses. It is also worth noting that the TAAP did

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not seek to alter the sites designation as part of a General Employment Area and it is assumed that this reflects the fact that there is a need to retain existing sites in order to meet existing and projected demand for employment land/premises.

Policy DC6 of the adopted Core Strategy seeks to protect sites that are identified as General Employment Areas for employment use. The policy does not state that sites will be released if it is demonstrated that its loss would not result in a shortage of employment land. Similarly, policy TH38 of the TAAP does not provide a mechanism to allow for the release of existing employment sites for non-employment uses where the proposal would not result in a shortage of employment land.

Consequently, even if it was demonstrated that the loss of the site would not result in a shortage of employment land, the proposals would not necessarily be compliant with policy DC6 unless it was demonstrated that the development would not undermine the function of the wider employment area.

The development will result in the loss of c2.78 ha of gross employment land (B1, B2 and B8 use) and as such reduces the potential for future economic development and job creation related to these uses. The application should also be considered against the cumulative impact of the loss of employment land to retail use adjacent to London Road (to the South West of the Tulip site) which gained planning permission in 2010 (Lidl - retail development of c.054ha). Granting permission for a further supermarket will contribute to the further erosion of general employment areas along the A11 corridor.

In terms of National Policy, whilst paragraph 22 of the NPPF advises against the long term protection of employment allocations where there is no reasonable prospect of them coming forward. The issue to consider in this instance is whether or not the employment land will come forward within a reasonable time frame and utilise its extant permission for B1, B2 or B8 use classes. Whilst the site has been closed since 2009, advertisement and/or marketing have only occurred between (Jan 2010 - Feb 2011). Furthermore, it understood that the adjacent occupier (Two Sisters Food Group) has an interest (offers proposed) in acquiring the application site.

The application is in direct conflict with Policy DC6 and the case officer will need to ensure that the proposal would not undermine the function of the wider employment area (even if there is not a shortage of employment land).

REPRESENTATIONS

A number of representations have been received, a summary of which is as follows:

The site is not well-located to meet shopping needs; wider planning consideration dictates that shopping needs are dealt with via a new store to the north of the town which could bring forward other benefits to the town (TEP and SUE); insufficient assessment of the impact upon the town centre and the sequential test; highway improvement works would cause severe disruption to vehicles associated with the commercial premises on Caxton Way; traffic flow concerns in this part of Thetford (Caxton Way, London Road); pedestrian safety concerns; loss of allocated employment land which will in turn compromise future investment at the adjacent site 2SFG; concern at the findings/content of the retail survey submitted as part of the application to support the proposal; too many supermarkets in this part of town given the existence of Sainsbury and the soon to be constructed Lidl's; disruption from construction works; proposed highway improvements would cause safety issues for Thetford Grammar School pupils who need to cross the carriageway (London Road/Brandon Road junction) to use their playing fields.

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ASSESSMENT NOTES

* This application is referred to the Planning Committee as it is a Major application.

Retail Impact

* In considering a retail use on the site, Policy CP7 of the Breckland Core Strategy seeks to restrict retail development outside of town centres unless there is a need for development, there are no sequentially preferable sites and no negative impact on the vitality and viability of the town centre.

* Paragraphs 24 and 26 of the NPPF require out-of-town retail development proposals such as this to be assessed against two key policy tests:

- i) whether there are any suitable and sequentially preferable alternative sites that are available (within or closer to the town centre); and
- ii) whether significant adverse effects on town centre vitality and viability or planned investment are likely to occur. Where a proposal fails to satisfy any of these tests, permission should be refused.

* The applicant has submitted a Retail and Planning Statement and subsequent additional responses in relation to retail policy requirements. In response to this the Council commissioned its own consultants, NLP, to assess the information provided in relation to the retail related policy implications of the scheme.

* Sequential Test

The agent puts forward six sites within Thetford town centre:

Site 1: Community Hall West Street;

Site 2: Minstergate/Burrell Museum/Poundstretcher;

Site 3: Bridge Street Car Park and Anchor Hotel;

Site 4: Riverside Walk;

Site 5: Tanner Street Car Park; and

Site 6: Thetford Retail Park.

* NLP accept that sites 1, 5 and 6 are too small to accommodate a large food store, allowing for appropriate flexibility.

* The Minstergate site (site 2) could, in theory, accommodate a large food store with decked car parking. However the availability of this site is uncertain. The retail premises are currently occupied by Poundstretcher, Wilkinson and Iceland. The suitability of the remainder of the site for a large food store is doubtful due to Listed Buildings.

* The Bridge Street Car Park and Anchor Hotel site (site 3) could, in theory, accommodate a food supermarket, but again would need decked car parking. This density of development may not be appropriate in this riverside location.

* In relation to Riverside Walk (site 4), it is not accepted that it is too small to accommodate a large food store, if the site was comprehensively redeveloped, and potentially the adjacent car park was included. The agent also dismisses the site as unavailable. On this point NLP confirm that unless there are emerging redevelopment proposals for Riverside Walk, then this site can be discounted as unavailable. The Council are not aware that this is likely in the immediate future and, as such, considers that it is unavailable at the present time.

* In order to meet the requirements of policy, a wider application of the sequential test is needed. The NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. It is evident that the Council are in receipt of an application for a supermarket elsewhere within the town (TEP site). Comparing the two proposals, it is clear that the London Road proposal is closer to the

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town centre, has the benefit of good walking and cycling routes and an established bus service directly to the town centre. Furthermore, the site is readily accessible from nearby residential areas and has a potential for linked trips with other retail outlets including the Forest Retail Park and Wickes DIY. On this basis, this site is sequentially preferable to the TEP site.

* Accordingly, it is considered that there are no sequentially preferable sites and the requirements of policy in this respect have been met.

Town Centre Impact

* NLP has assessed the contents of the Retail and Planning Statement and further additional information provided by the agent and estimate that the impact upon spending in Thetford town centre would be as follows:

-22% for convenience shopping,
-17.6% for comparison shopping, and
-11.7% combined impact.

* With regard to convenience goods, NLP estimates the cumulative impact on convenience goods facilities in Thetford town centre is 22% and this will be primarily focused on the Aldi store. In conclusion, they consider that the development is unlikely to lead to the closure of convenience shops in the town centre.

* With regard to comparison goods, the applicant has not assessed cumulative impact of comparison commitments. NLP estimates the cumulative impact on comparison facilities in the town centre will be 17.6% in 2017. The combined impact on comparison and convenience goods turnover in the town centre is 18.6%. Allowing for expenditure growth this level of impact could lead to some shop closures, but the number of closures is unlikely to be significant. The main concerns are the impact on future investment and development in the town centre and the knock-on impact on non-retail services.

* In response to this concern, NLP has highlighted the possibility of scaling down the amount of comparison sales floorspace within the proposed food store. Consequently, the agent has confirmed that the likely trader (ASDA) is prepared to reduce the amount of comparison goods sales from 1,359sqm to 1,102sqm (35% of total net sales area). This would have the effect of reducing the impact upon comparison goods shopping from 17.6% as quoted above to 16.3%.

* The agent also wishes to stress that the impact upon comparison goods takes account of the extension at Forest Retail Park proceeding and, whilst it is correct to consider this, it should also be taken into account that this site has failed to secure occupier interest since first being consented in 2000. The agent argues that this failure highlights that it is questionable as to whether this will come forward in the future.

* NLP has also highlighted the need for the negative impacts of the proposal (e.g. impact on shops in the town centre and any other site specific impacts) to be weighed against the benefits of the proposal in terms of job creation (net change taking into account any lost employment), increase in competition and consumer choice and physical regeneration.

* The application also includes an offer to contribute to town centre enhancements which could legitimately be secured via a suitably worded S106 legal agreement.

* Consideration has also been given to the likely cumulative retail impacts of the TEP and London Road proposals. It is estimated that the cumulative impact would result in a 34.6% reduction in convenience turnover in the town centre, a 21% reduction in comparison goods turnover, and a combined cumulative turnover reduction of 24%. It is considered that this would be likely to lead to shop closures in the convenience sector. Figures suggest that impacts on comparison shopping would be less severe and would be offset to an extent by expenditure growth. However, there would be limited potential for existing stores to increase turnover, and little or no

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growth potential for further new comparison development. This would be likely to undermine future investment in the town centre. Loss of retail trade would also impact negatively on non-retail activities in the town centre.

* To conclude, it is considered that the proposed development would not conflict with retail policy when considered in isolation having had regard to the independent assessment from NLP, the documentation submitted in support of the application and the town centre improvements which would be secured through a suitably worded legal agreement.

* The same conclusion cannot be drawn, however, when considering both retail proposals together. Should both stores be developed, it is considered that significant adverse effects on the town centre would result. Convenience shop closures would be likely to occur, and future investment in the town centre generally would be jeopardised. Given the Council's ambitions for the growth and regeneration of Thetford, it is considered that such adverse effects on the town centre would decisively outweigh the benefits of the proposals.

Loss of Employment Land

* Firstly, the site is designated as General Employment Land in accordance with the Breckland Core Strategy. Policy DC6 of this document confirms that General Employment Areas will be protected for employment uses (Use Classes B1, B2 & B8).

* It is also necessary to consider the proposal against the guidance within the recently introduced NPPF which in relation to allocated employment sites sets out the following guidance in paragraph 22:

"Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".

* The agent has provided evidence of the marketing exercise associated with this site and despite some interest from the adjacent factory premises (Two Sisters Food Group) the marketing exercise failed to gain a purchaser for the site to be used for an employment use (B1, B2 or B8). It is considered that the marketing exercise has been sufficiently robust to try and identify a purchaser.

* It is also necessary to consider the level of employment land and premises available in Thetford having regard to projected need. It is considered that on the basis of the evidence provided that the loss of this site would not significantly compromise employment land availability in Thetford. Information currently available to the Council suggests that there is not a shortage of employment land in Thetford. In addition, emerging evidence suggests the current allocations of new employment land are more than sufficient to deliver target job numbers.

* Furthermore, it should be acknowledged that the proposal would result in job creation.

* With this in mind it is considered that, in this instance, the loss of this site would not significantly compromise the availability of sufficient employment land within Thetford.

Highway Safety

* The proposal has been assessed by the Highway Authority and it has been provisionally concluded that there is no objection to the proposal subject to the use of appropriate conditions and a legal agreement relating to a travel plan bond.

Compatibility with Neighbouring Sites

* It is evident that the proposed food store is compatible with the adjacent industrial/commercial premises, with no residential properties adjacent to the site. The Environmental Health Officer has no objection to the proposal.

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Potential Land Contamination

* The Environment Agency raised concerns regarding the use of underground storage tanks associated with the proposed petrol filling station element of the scheme. In light of this concern the agent has agreed that above ground tanks can be used in this instance. On this basis there is no objection from the Environment Agency. The visual impact of above ground tanks will need to be carefully considered at reserved matters stage. The agent has submitted alternative layouts and examples of how this has been achieved on other sites. It is considered that this can be adequately controlled at reserved matters stage.

Character and Appearance of the Area

* Whilst the application does not seek to deal with the exact layout and external appearance of the proposal, indicative layouts and elevations have been submitted. It is considered that the site can accommodate a food store and petrol filling station as requested without causing harm to the character and appearance of the locality. This can be considered in detail at reserved matters stage.

Other issues

* Whilst acknowledging that the application is in outline form with layout not being considered at this stage, the Tree and Countryside Officer has expressed concern at the likely impact of the scheme upon trees, including some protected trees, and highlights the need for the future development of the site to be on the basis that there is no net loss of trees and that all trees removed should be replaced by equivalent stock elsewhere on the site.

* It is considered that minimising the loss of trees, and replacement where necessary, can be achieved as part of a reserved matters application. It would also appear that the six trees on site, which are the subject of a TPO, should be capable of being retained within the on-site parking as is currently the case on site.

* The Community Infrastructure Project Officer from the Norfolk Constabulary has indicated the need for financial contributions to be made to Police Infrastructure. It is not considered that there is a strong policy basis for this request, and in the absence of exact evidence and information as to what the requirements are and information as to how this links into the development proposed it is not considered that the Council can secure such contributions.

* Norfolk Landscape Archaeology has confirmed that they have no objection and have prepared a Brief for Historic Recording.

Conclusion

* It is considered that the proposal, whilst leading to the loss of employment land, would not significantly compromise the ability to deliver sufficient employment land within Thetford over the coming years, given the level of employment land and premises available in Thetford and the level of job creation proposed in policy terms.

* In retail terms, it is evident from NLP's retail assessment that only one further foodstore can be accommodated outside of the town centre. On this basis it is necessary to consider the merits of each against the other. This proposal is considered to be sequentially preferable (more accessible with better links to the town centre) to the alternative site on the Thetford Enterprise Park (TEP) which is also being considered at this time.

* The proposal would not lead to harm to the safe and efficient functioning of the local highway network and is compatible with those adjacent land uses. The external appearance of the proposal and matters relating to trees on-site will be dealt with at reserved matters stage. On this basis the application is considered to be acceptable in planning terms, and is therefore recommended for approval. In the event that Members resolve to approve the application, it would need to be referred to the Secretary of State on the grounds of conflict with employment

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land policy under the Town & Country Planning (Consultation) (England) Direction 2005.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

- 3004** Outline Time Limit (5 years)
- 3046** In accordance with submitted plans
- 3941** 10% Renewable Energy
- 3920** Limit internal floorspace
- 3920** Limit net retail sales area and comparison goods area
- 3920** Details of fuel storage tanks
- 3920** Remediation strategy
- 3920** Verification report
- 3920** Unexpected contamination
- 3920** No infiltration of surface water drainage
- 3920** Surface water drainage
- 3920** Highways conditions
- 3408** Landscaping - details and implementation
- 3414** Fencing protection for existing trees
- 3946** Contaminated Land - Unexpected Contamination
- 3923** Contaminated Land - Informative (Extensions)
- 3920** Archaeological programme
- 3920** Subject to Section 106 agreements
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions

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ITEM	2	RECOMMENDATION : REFUSAL
REF NO:	3PL/2012/0748/O	CASE OFFICER: Nick Moys
LOCATION:	THETFORD Thetford Enterprise Park Mundford Road	APPN TYPE: Outline POLICY: In Settlemnt Bndry ALLOCATION: General Employ Area CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Crown Estate & Pigeon (Thetford) Ltd C/O Agent	
AGENT:	CGMS Limited 140 London Wall London	
PROPOSAL:	Erection of class A1 foodstore petrol station, highway work, parking & related works	

KEY ISSUES

Impact on town centre
Loss of employment land
Transport/accessibility

DESCRIPTION OF DEVELOPMENT

Outline permission is sought for a new retail foodstore, petrol filling station, car parking and access works. All matters are reserved except for access. The foodstore would have a gross floorspace of 6,040 square metres. The net sales area of 3,437 square metres would be split 75:25 between convenience and comparison goods respectively. Indicative site layout and design details have been provided. A new roundabout access junction and internal spine road are proposed consistent with details previously approved in connection with the development of the site as a business park.

The application is also supported by a Planning & Retail Statement, Design & Access Statement, Transport Statement, Flood Risk Assessment, Habitat Survey, Tree Constraints Plan and Statement of Community Involvement. Drafts Heads of Terms for a Section 106 agreement propose obligations relating to the provision of an interim bus service, the marketing of remaining employment land, the construction of drainage infrastructure, a financial contribution of £2 million towards upgrading power supply networks and a financial contribution of £100,000 towards town centre enhancements.

Reference should also be made to the planning application for new retail foodstore on London Road, Thetford (3PL/2012/0213/O), which is the subject of a separate report on this agenda.

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SITE AND LOCATION

The application site forms part of the proposed Thetford Enterprise Park (TEP) on land off Mundford Road and adjacent to the A11 Thetford bypass. The site, which is presently unused, extends to 6.5 hectares in total. The site is bounded to the north by the A11 trunk road, with open countryside beyond, and to the east by Mundford Road. The surrounding area is predominantly industrial in character, and includes the Brunel Way and Fison Way Industrial Estates.

EIA REQUIRED

No

RELEVANT SITE HISTORY

Approval to extend the time limit on the outline planning permission for the Thetford Enterprise Park was given most recently in 2010. Detailed approval for the construction of the new roundabout access was also given in 2010

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.03	Employment
CP.07	Town Centres
CP.13	Accessibility
DC.06	General Employment Areas
DC.13	Flood Risk
DC.14	Energy Efficiency
TH18	Sustainable Construction Standards for Non-Residential Development
TH24	Walking and Cycling

CONSULTATIONS

CROXTON P C - No Comments Received

THETFORD T C -

Thetford Planning committee do not support this scheme as it goes against the TAAP for employment land, for which the Enterprise Park is designated for industrial employment land not retail.

Thetford Town Council's planning policy guidance states that it recognises the need to support the retention of employment sites within the town as a key factor in the sustainability of the local economy.

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ENVIRONMENT AGENCY

Objection due to inadequate Flood Risk Assessment and insufficient information submitted to demonstrate that the risk of pollution to controlled waters is acceptable.

HIGHWAYS AGENCY

No objection.

NATURAL ENGLAND

Although the site is located within 1.5 km of SSSIs, SPA and SAC based on the nature and scale of the proposal, it is thought unlikely to significantly affect the interest features for which these sites are notified and would not warrant a full EIA. The application is not likely to affect significant populations of protected species sufficient to require an EIA. We note the Phase 1 Habitat Survey, which highlighted the potential for bat, badgers and reptiles to occur on site and accept the recommendation for further survey.

NORFOLK COUNTY COUNCIL HIGHWAYS

The Highway Authority is satisfied with the conclusions made in the Transport Assessment that the new roundabout will adequately cater, not only for the foodstore traffic, but also for that to be generated by the employment land.

No objection subject to conditions relating to approval of access construction details and implementation of highway improvements.

TREE & COUNTRYSIDE CONSULTANT

The proposal site is approximately 600m from the Breckland Special Protection Area, part of the Natura 2000 network of European sites, and which is cited for stone curlew, woodlark and nightjar. The near components of the SPA are forested and unlikely to support or be capable of supporting stone curlews. The proposal is unlikely to have an adverse effect on the SPA through direct disturbance.

No objection subject to conditions requiring: i) a full Arboricultural Impact Assessment, ii) an in depth ecological assessment, having particular regard to those BAP and rare species revealed by enquiry with Norfolk Biodiversity Information Service, iii) a scheme for the conservation and enhancement of biodiversity depending on the results of surveys, and iv) control of external lighting to avoid disturbance to wildlife.

CONTAMINATED LAND OFFICER

No objection

HEALTH & SAFETY EXECUTIVE

No objections

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TOWN PLANNING TECHNICIAN SOUTH EAST NETWORK RAIL

No objections

NORFOLK LANDSCAPE ARCHAEOLOGY

As stated in the application, the site has been subject to an archaeological evaluation, and a mitigation strategy has been agreed. If planning permission is granted, we request that it be subject to conditions.

ENVIRONMENTAL PLANNING

The application proposes the development of a 6,040m² (gross) A1 foodstore on land at the Thetford Enterprise Park (TEP). Approximately 75% of the floor area will be devoted to convenience goods and the remaining 25% to comparison. The site is identified on the adopted Proposals Map as a General Employment Area and has planning permission for the development of B class uses.

The NPPF requires an assessment of the impact of town centre uses that are not in conformity with up-to-date Development Plan, and over a threshold of 2,500m². In terms of the Development Plan, the TAAP is a very recently adopted DPD (adopted in July 2012 - post NPPF) and as such has the benefit of its' maximum weight in the decision-making process. A Retail and Planning Statement has been provided by the applicant that has been carried out by consultants CgMS.

I am aware that an external critique of the CgMS retail evidence and impact has been carried out by Nathaniel Lichfield and Partners (NLP). I do not propose to repeat NLP's findings on retail impact here, but their report raises a number of issues that the case officer will need to advise the applicant to address as part of the Council's consideration of this proposal. Such issues include, inter alia, a cumulative assessment of comparison goods impact.

Furthermore, there is a further planning application (albeit currently undetermined) for an out of centre retail development in Thetford (namely at the former Tulip Foods site on London Road) that, if approved, may cumulatively impact upon the town centre. This proposal also needs to be considered along with the implemented permission for the Lidl store also on London Road. The NLP critique indicates that there would be a significant adverse impact on Thetford town centre if the two retail stores were permitted in conjunction with the extant Lidl and extended Tesco stores.

The NLP paper indicates that there is likely to be a significant impact on the town centre should both the current foodstore applications be approved, with a 34.6% impact on convenience goods and a combined impact from convenience and comparison turnover of 24%. As such, NLP have advised at para 5.8 of their report that there is the potential for store closures in the town centre should both proposals be approved. This appears to indicate a significant adverse impact. As such, it is apparent that the Council will need to have regard to this possible scenario as part of decision-taking.

The NPPF requires an assessment of the impact of an out of centre proposal on public and private spending in a town centre. Some consideration of the comparison goods impact on the Thetford Riverside proposals should therefore be provided as this proposal contains units that have the potential to be occupied by such retailers. This is in order that the Council can

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determine whether this proposal will affect a committed investment scheme in the town centre.

Turning to the issue of employment land, the TEP is currently identified as a General Employment Area and as such, Policy DC6 of the adopted Core Strategy is relevant. The wider TEP site contributes to the stock of employment land in Thetford by approximately 18ha. The adopted Thetford AAP (TAAP) also identifies at Policy TH30 the allocation of at least an additional 22ha of employment land in the urban extension, the majority of which is phased for delivery after 2016. Policy TH30 indicates that only 4.0ha of the proposed new employment land in the urban extension is phased for delivery between 2013 and 2015. Therefore, the loss of a large portion of the TEP site for a foodstore and associated works will affect both the overall quantum and choice of available employment sites in Thetford, particularly in the next 4-5 years. Whilst it is recognised that foodstores provide employment opportunities, consideration will need to be given to whether this outweighs the conflict with the loss of identified general employment land (and accompanying employment in B class uses), and whether this is consistent with the Council's strategy for economic growth in these areas of Thetford (i.e. the RevActive and the promotion of motorsport and high-tech engineering employment sectors).

References have been made in the Planning Statement to the foodstore 'pump priming' the TEP site as it is currently stated to be unviable for development. If a perceived benefit to the area is the unlocking of the remainder of TEP for general employment development should the Council approve this scheme, this should be secured through a section 106 agreement. In terms of specific infrastructure, some evidence of the remaining energy capacity available in the area if the scheme is approved would also be beneficial. This in order that the Council can be satisfied that the proposal will not prejudice any early development as part of the allocated proposals in the urban extension.

Finally, in considering sustainable access to and from the site it likely that due to poor footpath/cycleway links (notwithstanding the general location of the proposal), the majority of trips to the store would be made by private car. Therefore, there is the potential that residents of the existing and proposed new community would 'junction hop' to the site using the A11 trunk road as a more convenient option than using sustainable modes using the internal road network. This would be compounded by the fact the site is physically divorced from any significant residential development. Therefore, the case officer will need to ensure that if a positive recommendation is put forward, that a suitable package of measures to help secure modal shift are provided.

NORFOLK WILDLIFE TRUST - No Comments Received

STREETSCENE - No Comments Received

REPRESENTATIONS

Objections have been received relating to the impact on town centre shops, loss of employment land, conflict with policy and accessibility.

ASSESSMENT NOTES

* The application is referred to Planning Committee as it is a Major application.

Retail policy

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* National planning policy requires out of centre retail development proposals to be assessed against two key policy tests: i) whether there are any suitable alternative sites that are sequentially preferable (within or closer to the town centre); and ii) whether significant adverse effects on town centre vitality and viability, or planned investment, are likely to occur. If a proposal fails either of these tests, permission should be refused, unless material considerations indicate otherwise.

* At a local level, Core Strategy Policy CP7 seeks to restrict retail development outside town centres unless there is a need for development, there are no sequentially preferable sites and no negative impact on town centre viability and vitality. This policy pre-dates the NPPF and previous national policy set out in PPS4.

* The applicant has provided an assessment of the proposal against policy requirements, addressing the sequential and retail tests. This information has been subject to independent scrutiny by the Council's retail consultants, NLP. NLP have also provided an assessment of the retail impact of the proposal in combination with the foodstore currently proposed on London Road, Thetford.

Sequential Test

* As required by the sequential test, the applicant's retail assessment has considered whether the proposed development could be accommodated on alternative town centre or edge of centre sites. Six potential alternative sites have been identified, but all have been discounted, either because they are unavailable or not large enough to accommodate a similar proposal. On the basis of the information available, it is considered that the applicant's conclusion that there are no suitable sites in the town centre is soundly based. Accordingly, the requirements of the sequential test have been met insofar as town centre sites are concerned.

* However, in order to meet the requirements of policy, a wider application of the sequential test is needed. The NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The application site is located on the edge of the town, approximately 2km (3km by road) from the town centre, and is separated from existing housing by extensive industrial estates. The site is not readily accessible, other than by car, although measures are proposed to address existing inadequacies in pedestrian/cycling provision and public transport. The proposed retail site at London Road is considered to perform better in terms of town centre links and accessibility. The site is closer to the town centre, and has the benefit of good walking and cycling routes and an established bus service directly to the town centre. The site is readily accessible from nearby residential areas. It also has a potential for linked trips with other nearby retail outlets including the Forest Retail Park and Wickes DIY. The London Road site is considered to be suitable for retail development and to be sequentially preferable to the TEP site. The TEP proposal would thus conflict with policy.

Retail Impact

* Careful consideration has been given to the likely retail impact of the proposed store on Thetford town centre. The Council's consultants estimate that the proposal would result in a 25% reduction in convenience turnover in the town centre, a 14.9% reduction in comparison goods turnover, and a combined negative impact of 17.1%.

* For convenience shopping, trade diversion from the town centre would be focussed mainly on three stores: Aldi, Iceland and Farmfoods. It is not considered, however, that the estimated trade diversion would be likely to result in the closure of any of the stores. Trade diversion from smaller convenience outlets (at around -3.5%) is expected to be offset by population/expenditure growth. Widespread shop closures are not anticipated therefore. The greatest direct impact is forecast for the existing Tesco and Sainsbury stores, but these stores are not afforded protection under

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planning policy due to their out of centre location.

* For comparison shopping facilities, it is considered that the forecast negative impact of 14.9% is likely to be offset by general expenditure growth. However, it is anticipated that there would be only limited scope for further comparison goods development in the town centre. Some negative impacts are also anticipated on non-retail activities (Class A2-A5), which occupy more than half of the existing units, due to reduced retail turnover/footfall.

* Consideration has also been given to the likely cumulative retail impact of the two currently proposed foodstores at TEP and London Road. It is estimated that the cumulative impact would result in a 34.6% reduction in convenience turnover in the town centre, a 21% reduction in comparison goods turnover, and a combined cumulative turnover reduction of 24%. It is considered that this would be likely to lead to shop closures in the convenience sector. Figures suggest that impacts on comparison shopping would be less severe and would be offset to an extent by expenditure growth. However, there would be limited potential for existing stores to increase turnover, and little or no growth potential for further new comparison retail development. This would be likely to undermine future investment in the town centre. Loss of retail trade would also impact negatively on non-retail activities in the town centre.

* To conclude, it is considered that the proposed development would not conflict with retail policy when considered in isolation. Whilst there would be some negative impacts on the town centre due to trade diversion, the proposal would not be likely to result in widespread shop closures or significant adverse effects. Where negative effects would arise, it is considered that these would be outweighed by the benefits of the proposed development, including increased competition and consumer choice, and job creation.

* The same conclusion cannot be drawn, however, when considering both retail proposals together. Should both stores be developed, it is considered that significant adverse effects on the town centre would result. Convenience shop closures would be likely to occur, and future investment in the town centre generally would be jeopardised. Given the Council's ambitions for the growth and regeneration of Thetford, it is considered that such adverse effects on the town centre would decisively outweigh the retail benefits of the proposal.

Loss of employment land

* Thetford is identified as a key location for employment development in the Council's Core Strategy. Core Strategy Policy CP3 identifies a need to plan for 30-40 hectares of new employment land to provide for 5,000 new jobs by 2026. The Thetford Area Action Plan (TAAP) proposes that this land requirement is met by the delivery of the Thetford Enterprise Park (18 hectares) and by the incorporation of an addition 22 hectares of employment land within the proposed sustainable urban extension. TEP is highlighted in the TAAP as a key employment site adjacent to the A11, which will make an important contribution to delivering new jobs. Policy DC6 of the Core Strategy states that employment areas will be protected for employment uses, including B1 business, general industry and storage and distribution.

* The proposed retail development would result in the direct loss of 3 hectares of employment land. It is estimated that this would represent between 17 and 18 per cent of the net developable area of TEP. The application site occupies a prime location next to the main entrance to TEP and adjacent to the A11. The proposed development would therefore be contrary to Core Strategy Policy DC6 and would conflict with the employment strategy for the area, as set out in the Core Strategy and the TAAP.

* This conflict with policy needs, however, to be weighed against the potential benefits of the proposals in terms of facilitating further employment development at TEP. A package of infrastructure and other measures is proposed to assist with the delivery of further employment land at TEP. Construction of the new roundabout access and the first section of spine road is required to provide access to the proposed foodstore, but would also provide direct access to

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around half of the total area of the TEP. Foul and surface water sewers required for the foodstore would be constructed with sufficient capacity from the outset to cater for the development of the whole of the TEP site. Provision would also be made for the future installation of services to the remaining TEP land, including telecommunications and power. Limitations on electricity supply are currently a significant constraint on the development at TEP and other major schemes in the town. To address this issue a contribution of £2 million towards the upgrading of power infrastructure is proposed to replace the capacity used by the proposed foodstore. The combined cost of infrastructure works and contributions is estimated by the applicant at £5.6 million. It is reasonable to assume that the provision of this strategic infrastructure would make land at TEP significantly more attractive for potential developers.

* The weight to be attached to the potential benefits of infrastructure provision requires some judgements to be made as to the likelihood of TEP being developed for employment in the absence of a retail proposal. The applicants claim that the fact that the TEP has not been developed in the 20+ years since permission was first granted amply demonstrates the difficulties. Whilst this is certainly an important indicator, it would not be prudent to rely too heavily on this alone given the influence of other factors (e.g. landowner priorities, economic conditions, marketing effort, etc). Of the various infrastructure costs anticipated none appear to be particularly exceptional, aside from the upgrading of existing power supply networks (estimated at around £7.5 million). It is understood that this upgrading work will also be required at a relatively early stage in the development of the proposed Thetford Sustainable Urban Extension (proposed by the same applicant). No evidence has been provided to demonstrate that the costs of the upgrading work could not be borne by this much larger development. Taking all of these matters into account, it is considered that there is, at the very least, a reasonable prospect of TEP being developed for employment without an 'enabling' retail development. However, given the lead in times for the scale of growth likely to be needed to facilitate this, and current economic conditions, this employment development may not be achieved in the short term.

* To conclude on this point, it is considered that the arguments for and against the proposed development in employment terms are very finely balanced. Whilst the loss of strategic employment land conflicts with policy, the potential benefits associated with the earlier delivery of employment land at TEP are not inconsiderable. Overall, it is considered that the balance of arguments falls in favour of the development. In coming to this conclusion particular account has been taken of the potential benefits for early delivery of serviced employment land, the fact that the retail development would itself create a significant number of new jobs, and the emerging evidence which indicates that less new employment land may be needed than first anticipated to deliver job targets.

Other matters

* Proposed arrangements to access the development are in line with those previously approved in connection with the development of TEP. Both Norfolk County Council and the Highways Agency have confirmed that they are content that the access and surrounding road network are suitable for the proposed development. Should permission be granted for the proposed development, it is recommended that improvements to off-site pedestrian and cycling routes are sought.

* Detailed considerations relating to the siting and design of the development are issues for later consideration under approval of reserved matters. Based on the indicative details provided at this stage, some concerns have been raised about the visual impact of the development when viewed from the A11, particularly bearing in mind proposals to construct substantial retaining structures. Following discussions, additional provision has been made for landscaping along the northern site boundary. On this basis, the outline proposals are considered to be acceptable.

* It is not considered that the proposal will have any significant impact on nearby ecological interests, including the Breckland SPA and SAC, and Breckland Forest and Thetford Golf Course

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SSSIs.

* It is not considered that the proposal will have any discernible impacts on residential amenity.

* In response to the objections raised by the Environment Agency, additional information has been provided in support of the application. It is understood that proposed drainage arrangements are now acceptable to the Environment Agency provided that previously agreed discharge rates are not exceeded. The applicant has confirmed that petrol filling station tanks will be located above ground if necessary.

Conclusion

* Retail policy and employment land are considered to be the key determining issues for this application. The nature of retail policy requirements is such that consideration of the impact of the proposal and the suitability of the site must include consideration of existing developments, commitments and other proposals. A decision on this application is therefore inextricably linked to the outcome of the other retail proposals under consideration at London Road. The London Road site is considered to be suitable for development for retail development and to be sequentially preferable to the TEP site. Given the conclusion in relation to retail impact that only one store could be developed without significant harm to the town centre, preference should be given to the more accessible location with better links to the town centre (i.e. the London Road site). The TEP application is therefore recommended for refusal on the basis that the proposal would fail the sequential test and the impact test (due to the combined effects with the London Road proposal).

* In terms of employment land, the TEP proposal would conflict with planning policy due to the loss of around 3 hectares of employment land. The potential benefits of the proposal in helping to unlock remaining employment land at TEP help to mitigate the negative effects of the proposal. Given current economic conditions and the imperative of national policy to promote economic activity, it is considered that the positive aspects of serviced land provision outweigh the negative effects of loss of employment land. However, bearing in mind the strategic location of the site in employment terms and the longer term prospects for delivery of TEP without a retail proposal, it is not considered that the balance of advantages is decisive or is sufficient to outweigh the conflict with retail policy outlined above.

RECOMMENDATION

Refusal of Outline Planning Permission

REASON(S) FOR REFUSAL

9900 Contrary to retail policy

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ITEM	3	RECOMMENDATION : REFUSAL
REF NO:	3PL/2012/0808/O	CASE OFFICER: James Stone
LOCATION:	GARVESTONE Thuxton Lakes Station Lane	APPN TYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Mr A Thompson c/o Agent	
AGENT:	Paul Took Planning 60 Neatherd Road Dereham	
PROPOSAL:	Manager/bailiffs dwelling in association with fishing lakes	

KEY ISSUES

Residential development in the countryside
Landscaping and tree protection
Wildlife
Animal odours from nearby livestock holding

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning permission (with all matters reserved) for a manager's/bailiff's dwelling in association with the fishery lakes. Indicative drawings illustrate a large two storey dwelling.

SITE AND LOCATION

The dwelling would be located on grassy land that is located in the countryside and is not in close proximity to any Settlement Boundary. To the north is an existing pond whilst to the south and west are existing open grassy fields. To the east of the site is a mature hedgerow. The proposed development would also be within 65 metres of existing animal husbandry units.

EIA REQUIRED

No

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RELEVANT SITE HISTORY

Planning permission was refused for the erection of a manager's dwelling under ref: 3PL/2007/1259/F.

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.11	Open Space
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.19	Parking Provision

CONSULTATIONS

GARVESTONE P C -

The Parish Council supports this outline planning application and agrees in principle with granting permission for a manager's dwelling on the site. However, the PC would like to see planning conditions on the dwelling so that it is for occupation by the manager of the lakes only, and all necessary planning conditions to ensure minimum disturbance of wildlife on the site. Although this is an outline planning application only, the PC would like it noted that they are not happy with either the size or the design and materials of the dwelling proposed.

NORFOLK COUNTY COUNCIL HIGHWAYS

From inspection of the site it is evident Station Lane varies in width and that in places it would be considered suitable for single file traffic only. I am aware however that the lakes already have permission for recreational fishing and therefore already have the potential to generate a significant number of daily vehicle movements, especially as the consent notice allows up to 40 pegs to be accommodated. I recognise that use of the lakes is likely to involve a manager having to visit the site daily and that there is an argument that a tied dwelling on site could potentially reduce the number of movements generated from the site. Should your Authority support the application I would recommend the occupancy of the dwelling be tied as sought either via a condition or legal agreement, whichever your Authority thinks appropriate.

CONTAMINATED LAND OFFICER

No objections

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ENVIRONMENTAL HEALTH OFFICERS

This application is not materially different to the earlier application and the recommendation remains unchanged, I recommend refusal of this outline application.

The proposed development would be within 65 metres of existing animal husbandry units and any residential property could be subjected to animal odours. Should a resident be allowed to live at this location they would have the right to complain about adverse animal odours, this could result in potential burdens on the farming operations.

Should approval be given then any recommendations from the Environment Agency to prevent pollution should be made conditional to that approval.

TREE & COUNTRYSIDE CONSULTANT

The reportedly (Ecology Consultancy undated) low ecological value of the proposal site is a convenient consequence of a former higher ecological value wet meadow site being covered with spoil from the creation of the eponymous lakes. Notwithstanding this, I am not convinced by the argument for 24 hour on-site occupation and consider the proposal to be in conflict with policy CP11 Protection and Enhancement of the Landscape

MINISTRY OF DEFENCE

Outside MoD safeguarding areas so MoD has no safeguarding objections

REPRESENTATIONS

Two letters of objection have been received with regard to lack of need because the lakes are not fished every day of the week; existence of available dwellings in nearby Garvestone; impact on wildlife/ecosystem of the site and inadequate access.

ASSESSMENT NOTES

* The application is referred to Planning Committee at the request of a Ward Member.

Residential development in the countryside

* The National Planning Policy Framework states that 'Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.' The applicant has not provided any evidence to illustrate that they have a special need for a dwelling as they have simply stated that the dwelling would be required in connection with the fishing lakes at Thuxton. It is not considered necessary to have a dwelling on site to facilitate the functioning of the fishing lakes. Therefore, the proposal essentially represents the erection of a dwelling in the countryside without any justification.

* Furthermore, there are currently numerous properties for sale in the nearby village of Garvestone which is less than a mile from the site. Many of these dwellings for sale are similar in size to the indicative dwelling type proposed by the applicant. The applicant has not looked at the availability of properties in the area.

Landscaping and tree protection

* The application site is situated in an isolated location in the countryside and the erection of a

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large two storey dwelling would significantly detract from the area. Whilst it is accepted that there are mature hedgerows along the south-eastern boundary of the site, the height of any building would be far higher than the hedgerow and would therefore be highly visible in this rural locality. The lack of other dwellings in the area, and open nature of the surrounding fields, means that the proposed dwelling would not be in keeping with its surroundings.

Wildlife

* The application site used to be of high ecological value as it once formed part of a wetland meadow. However, spoil from the creation of the fishing lakes reduced the value of the meadow. The erection of a dwelling would further reduce the value of the site in ecological terms. There has been an objection from our Tree and Countryside Consultant on the basis that it would further detract from what is left of the ecological value of the site.

Animal odours from nearby livestock holding

* The proposed development would be within 65 metres of existing animal husbandry units and any residential property could be subjected to animal odours. Should a resident be allowed to live at this location they would have the right to complain about adverse animal odours which could result in potential burdens on the farming operations of the adjacent landowner. The Council's Environmental Health Officers have, therefore, objected to the proposal on the basis that it would not provide adequate living condition for future occupiers because of animal odours.

Other Issues

* Although all matters are reserved, the indicative drawings illustrate a large 4-bedroom detached property that would be excessively large in size for the function of providing accommodation for a manager on site.

* The dwelling would be sited in an isolated location and as such would not have a harmful impact on the residential amenity of the area with regard to overlooking, overdominance and loss of sunlight.

* The NCC Highways Officer has not objected with regard to highway safety and accessibility.

* A financial contribution towards open space provision has been transferred from the previous application for a dwelling that was withdrawn at the site, ref: 3PL/2012/0507/O.

Conclusion

* The application is recommended for refusal because it represents 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.

RECOMMENDATION

Refusal of Outline Planning Permission

REASON(S) FOR REFUSAL

- 9900** Outside Settlement Boundary - no justification
- 9900** Detrimental to landscape
- 9900** Impact on ecological value of site
- 9900** Impact on amenity

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ITEM	4	RECOMMENDATION : APPROVAL
REF NO:	3PL/2012/0870/F	CASE OFFICER: Chris Raine
LOCATION:	HARLING Land at Kenninghall Road	APPN TYPE: Full POLICY: In Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Heritage Developments Norfolk Tower Surrey Street	
AGENT:	Purcell 3 Colegate Norwich	
PROPOSAL:	MMA to 3PL/2010/0596/F - materials, garden room Pl.40, Pls.5-10 stepped, Pls 33-36 moved, change garages/carports	

KEY ISSUES

Principle of development
Comparison with agreed scheme

DESCRIPTION OF DEVELOPMENT

The application seeks permission for a material minor amendment to an approved residential development (3PI/2010/0596/F). The revisions consist of:

- the loss of garages to plots 16, 17, 18 and 19 in favour of attached carports.
- The loss of four garage/carport blocks and the erection of a new garage/carport block serving plots 2, 3 and 4.
- A garden room to the rear of plot 40.
- The terrace of units (plots 5-10) are stepped to take account of a level changes across the plots.
- Re-positioning of dwellings within plots 33, 34, 35 and 36 including re-positioned boundary fence to plots 33 and 34.
- external material proposed for the dwellings.

SITE AND LOCATION

The site consists of a roughly rectangular shaped parcel of land which lies to the north of the Kenninghall Road on the edge of East Harling. The site is at present being developed for residential development. To the south-east is a residential dwelling, to the west is a school, to the north-west is existing residential development and to the east is an area of open land.

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EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2010/0595/F - Change of use of agricultural land to residential for 40 units and garages/car spaces inc. sixteen affordable homes - Approved 26/3/2012

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.01	Housing
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.11	Open Space
DC.12	Trees and Landscape
DC.14	Energy Efficiency
DC.16	Design

CONSULTATIONS

HARLING P C -

No objections

NORFOLK COUNTY COUNCIL HIGHWAYS - No Comments Received

REPRESENTATIONS

None received.

ASSESSMENT NOTES

* The application is referred to the Planning Committee as it is a Major Application.

Principle of development

* The site benefits from full planning permission for a residential development (3PL/2010/0596/F) and, as such, this request to change a number of plots on site, with no increase in housing

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numbers or site area, means the scheme continues to be acceptable in principle.

Comparison with approved scheme

* This amended scheme proposes the same number of dwellings as previously agreed and the site area remains the same. The changes relate to the loss of garages to plots 16, 17, 18 and 19 in favour of attached carports; the loss of four garage/carport blocks and the erection of a new garage/carport block serving plots 2, 3 and 4; a garden room to the rear of plot 40; the terrace of units (plots 5-10) are stepped to take account of a level changes across the plots; re-positioning of dwellings within plots 33, 34, 35 and 36 including re-positioned boundary fence to plots 33 and 34. The application also includes details of external materials to be used.

* It is considered that these changes do not significantly alter the character and appearance of the site from that approved and the development would continue to relate effectively to its surroundings. The changes would also continue to have adequate regard for the amenities of adjacent properties in terms of light, outlook and privacy.

* The application is the subject of a Section 106 legal agreement which will use the terms as previously entered into on the previous approval.

Conclusion

* The scheme continues to have adequate regard for the character and appearance of the area and neighbour amenity when seen in the context of the previous approval. On this basis the application is recommended for approval.

RECOMMENDATION

Planning Permission

CONDITIONS

- 3920** Non standard time limit
- 3046** In accordance with submitted plans
- 3920** Materials as quoted
- 3920** Archaeological condition
- 3920** Any highway conditions
- 3920** Boundary treatments
- 3920** Landscaping
- 3920** Foul and surface water drainage
- 3920** Contamination method statement
- 3920** Contamination during works
- 3920** Environment Agency conditions
- 3920** Code level 4
- 3920** Fire hydrants
- 3992** Non-standard note re: S106
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions

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ITEM	5	RECOMMENDATION : REFUSAL
REF NO:	3PL/2012/0882/F	CASE OFFICER: Chris Raine
LOCATION:	HARLING Furneaux West Harling Road	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: Y LB GRADE: N
APPLICANT:	Mr & Mrs A Hales c/o 11 Charing Cross Norwich	
AGENT:	Anglia Design LLP 11 Charing Cross Norwich	
PROPOSAL:	Proposed Super Eco Detached Dwelling House with integral garage	

KEY ISSUES

Principle of development
Justification for countryside location
Impact upon protected trees

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for a new detached two storey dwelling within the side garden of an existing dwelling. The proposal adopts a contemporary approach with a mix of traditional and contemporary materials. The dwelling is to be built as an "eco" dwelling.

SITE AND LOCATION

The application site consists of part of the garden of an existing detached bungalow. The site is accessed via West Harling Road which lies to the north-west of the site. To the north-east and west of the site are residential dwellings and to the south is a large agricultural type building. The northern part of the site contains TPO trees.

EIA REQUIRED

No

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RELEVANT SITE HISTORY

3PL/2008/1113/F - Double garage - Approved 28/08/2008

3PL/2011/0880/F - Proposed super eco detached dwellinghouse with integral garage - Withdrawn 2/11/2011

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.01	Housing
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.11	Open Space
DC.12	Trees and Landscape
DC.14	Energy Efficiency
DC.16	Design

CONSULTATIONS

HARLING P C -

This proposal would produce a nice property, albeit one with no sufficient merit to justify its grant outside our village guideline. Furthermore, we are of the view that the proposed design would not be in keeping with its surroundings.

To these comments we would wish to add that, throughout the course of the LDF consultations, supported by you (Breckland Council), we agreed to accept fifty new properties. In spite of that, we already have about one hundred approved applications outstanding and it is highly unlikely that we will support any more.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions

CONTAMINATED LAND OFFICER

No objection.

TREE & COUNTRYSIDE CONSULTANT

The Arboricultural Impact Assessment by AT Coombes Associates dated 28th November 2011 is noted. Their report makes significant and essential recommendations to safeguard the trees on site; however, there appears to be no evidence that the applicant/agent has accepted these

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recommendations.

ENVIRONMENTAL HEALTH OFFICERS

No objection.

REPRESENTATIONS

Letters of support have been received.

ASSESSMENT NOTES

* The application is referred to the Planning Committee at the request of the Ward Member.

Principle of Development

* The application site is located outside of any defined Settlement Boundary and, as such, there needs to be special justification to allow dwellings in these locations as set out in paragraph 55 of the NPPF. This application should pay particular attention to the following part of the aforementioned paragraph in relation to justifying a new dwelling in the countryside:

"The exceptional quality or innovative nature of the design of the dwelling. Such a design should:

- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas
- Reflect the highest standards in architecture
- Significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area."

* In this instance, it is evident that the dwelling would have strong eco-credentials (it is proposed to achieve code level 6 of the Code for Sustainable Homes) and is a relatively pleasing design with a mix of traditional and more contemporary materials. However, as referred to above, the NPPF requires a new residential proposal to be of exceptional quality and it is not considered that this proposal meets this very strict requirement.

Impact on protected trees

* The Arboricultural Impact Assessment submitted to accompany the application makes suggestions in order to safeguard the health of protected trees, however, the scheme does not take these into account. As such the scheme is considered to have a detrimental impact upon protected trees.

Other issues

* In terms of highway safety, the Highway Authority has confirmed that they have no objection subject to the imposition of a condition.

* In terms of neighbour amenity, it is evident that the dwelling is sufficiently distanced from neighbours so as to safeguard light and outlook. The openings within the proposed dwelling are such that they avoid any significant overlooking.

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Conclusion

* It is considered that the proposal does 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, the proposal does not take appropriate account of protected trees on site. For these reasons the application is recommended for refusal.

RECOMMENDATION

Refusal of Planning Permission

REASON(S) FOR REFUSAL

- 9900** Not "exceptional" as required by NPPF
- 9900** Outside Settlement Boundary
- 9900** Detrimental to TPO trees