

BRECKLAND COUNCIL

At a Meeting of the

PLANNING COMMITTEE

**Held on Monday, 11 February 2013 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mrs S Armes
Mr S.G. Bambridge
Councillor C Bowes
Mr T R Carter
Mr P.D. Claussen
Mr T.J. Lamb

Mrs J A North (Vice-Chairman)
Mr W. R. J. Richmond
Mr M. S. Robinson
Mr F.J. Sharpe
Mrs P.A. Spencer
Mr N.C. Wilkin (Chairman)

Also Present

Mrs B Canham
Mr T. J. Jermy

Mr A.C. Stasiak

In Attendance

Heather Burlingham
John Chinnery
Michael Horn
Paul Jackson
Phil Mileham
Helen McAleer
Nick Moys
Martin Pendlebury
Sarah Robertson
Mark Stanton
Peter Wilkes

Assistant Development Control Officer*
Solicitor & Standards Consultant
Solicitor to the Council
Planning Manager
Planning Policy Team Leader*
Senior Committee Officer
Principal Planning Officer (Major Projects)*
Director of Planning & Business Manager*
Planning Policy Officer*
Economic Development Manager
NLP (Consultant)

* Capita Symonds for Breckland Council

11/13 MINUTES (AGENDA ITEM 1)

The Solicitor noted two minor amendments:

- On page 4 Schedule Item 1a) the first sentence should read *with* all matters reserved; and
- On page 6 Schedule Item 4 (Dereham) should be sub-paragraph d) not c).

Subject to those two amendments the Minutes of the meeting held on 14 January 2013 were confirmed as a correct record and signed by the Chairman.

**12/13 DECLARATION OF INTEREST AND OF REPRESENTATIONS
RECEIVED (AGENDA ITEM 3)**

Members noted that they had received direct representation regarding the deferred items in Thetford (Agenda Item 8a).

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**13/13 THE NATIONAL PLANNING POLICY FRAMEWORK AND THE
CURRENT LDF POLICIES (AGENDA ITEM 7)**

The Planning Policy Team Leader and the Planning Policy Officer presented the report.

Following the introduction of the National Planning Policy Framework (NPPF) in 2012 a twelve month transitional period had been allowed for dealing with planning applications. During that time, full weight could be given to any approved Local Plan. That transitional period ended in March 2013.

It was now necessary to assess all the Council's planning policies for conformity with the NPPF and if there was any conflict, to assess if the policy should still carry weight. The two main documents to be considered were the Core Strategy Policies and the Site Specifics Policies.

The Thetford Area Action Plan (TAAP) had been adopted after the introduction of the NPPF and the Planning Inspector had confirmed that it was in conformity. Its Policies therefore continued to carry full weight.

Appendix A to the report set out the assessment of Policies within the Core Strategy and Appendix D did the same for Policies within the Site Specifics document. All Policies in both documents were considered to be conforming or part conforming to the NPPF.

Attention was drawn to a couple of Policies in particular. Policy CP1 was only part conforming as the NPPF required the Council to have a full five year housing land supply. Growth location was OK but numbers were not.

There was a slight change to Affordable Housing Sites Policy, which no longer required the whole site to be for affordable housing.

The removal of Planning Policy Guidance and Statements left gaps in the current Policies, which needed to be addressed. One such gap was in relation to rural workers.

A large amount of technical advice had also been left out of the NPPF and the Government was reviewing the best way to reproduce that advice and the outcome of that review was awaited.

Cabinet had considered the way forward and recommended a Local Plan for the whole district. All Core Strategy Policies and land allocations would be reviewed and until then all the Policies would remain in place.

Councillor Lamb asked how firm the TAAP was and was advised that the TAAP could be given full weight in the decision making process.

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Members could still take a balanced view on proposals. In future the TAAP would be morphed into the wider Local Plan and there might be a need to update some policies due to increased growth to the north of the town.

Councillor Lamb asked why Policy DC17 was only partly conforming and the Planning Manager explained that under the NPPF the demolition of historic buildings was permitted in certain cases. The Council's policy did not allow for demolition of historic buildings and therefore it did not conform to the NPPF.

Councillor Bambridge asked if it would be easier to permit new dwellings outside Settlement Boundaries in future and was advised that the process would be largely the same. A case would still need to be made.

Councillor Claussen asked for the gap in the housing land supply to be explained as the Council were regularly approving new developments. It was explained that the five year supply could only include developments that would be built within that time. Many of the large developments approved by the Council had phased development and so could not be counted towards the five year supply. Also, each year that the Council under delivered on its housing target, it added to the residual supply need, creating a five year supply circle. The new Local Plan would look closely at the numbers required.

Councillor Spencer asked about 'exceptional' houses and it was noted that to meet the requirements of that policy the design had to be exceptional in a National context and very few such houses came forward.

The Chairman asked if CP2 sites were still concentrated in the south of the District and was advised that they were, and work was underway by the Council's Housing Team which would inform future proposals.

The Chairman thanked the Officers for a very good report. The report was noted.

14/13 DEFERRED APPLICATIONS (AGENDA ITEM 8)

- 14 .a Thetford: Proposed Supermarkets at London Road and Mundford Road : Applicants: Location 3 Properties & Pigeon/Crown Estate :
References: 3PL/2012/0213/O and 3PL/2012/0748/O

The Principal Planning Officer (Major Projects) presented the report on the two supermarket applications which had been considered by the Committee and deferred in October. He gave Members a brief reminder of the two proposals and highlighted the key issues for deciding between them.

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When deferring the applications Members had requested additional information on three main issues:

Retail Impact

Both proposals would result in the diversion of trade from the town centre. The details were explained in the retail impact report. In conclusion it was considered that the combined effect of two supermarkets would have a significant impact on the town centre, but the balance of arguments suggested that one supermarket would not cause widespread shop closures and the loss of trade would be offset by an increase in spending.

Marketing of the Tulip Site

The appendix to the report set out the chronology of the offers by the Two Sisters Food Group. Members were advised of the distinction between private and public matters and although some weight should be given to the offers, the Policy was concerned with the supply of employment land – not with reserving sites for particular occupiers.

TEP Infrastructure Proposals

More information had been provided by the applicant and Members were shown a plan which set out proposals for a new roundabout on the Mundford Road to provide access to the site; part of a spine road through the site; a new footway link on the site side of Mundford Road; and new foul and surface water drainage. It was also proposed to reinforce the link between two existing sub-stations to provide electricity for the site.

The comparative merits of the two proposals were then discussed and it was noted that there were no substantial objections to either scheme. However, it was reiterated that Members should not consider approving both as the impact would be too great.

There was little difference between the retail impacts of the proposals and both applications proposed mitigation to address the negative impacts:

The Tulip Site application proposed enhancement to the town centre including shop front improvements and a business start-up scheme. The package was valued at £300,000. The TEP Site application proposed similar town centre enhancements to a value of £100,000.

Both proposals involved the loss of employment land. The difference in the size of the sites was not considered significant. However, the loss of employment land on the TEP site was more significant due to its strategic value. Both sites proposed mitigation schemes to address the loss of employment land. The Tulip Site applicants also owned a nearby site which had been marketed since 2009. They proposed to knock down the existing building there and provide improved access and services to attract development. The TEP Site applicants proposed substantial investment in new infrastructure of about £5million on the site. That would account for a significant

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proportion of the investment needed to bring forward the whole area, although further investment would be needed.

In conclusion the loss of lower quality employment land on the Tulip Site was preferred, but the TEP mitigation proposals offered more.

Accessibility was then discussed. Members were shown a plan which highlighted dwellings within 800 and 1200 metres walking distance of each site. There were significantly more dwellings near the Tulip Site. The TEP Site was on the edge of the town near industrial development and open countryside. The Mundford Road was not an attractive environment for pedestrians or cyclists. In contrast, the London Road had a mixed nature of uses with existing foot and cycleway links to housing and the town centre.

The Tulip Site had an existing bus link, but the TEP had no bus routes yet, although a subsidised service was proposed for the first three years after development. There would be a number of bus routes through the Urban Extension which was immediately adjacent the TEP Site and would provide good public transport links to the town centre. However, the Urban Extension was a long term project with no planning permission yet.

The issues were balanced and not all allowed for direct comparison. It was a difficult decision and important for the future of the Town. Weighing up all the factors, Officers were of the opinion that the Tulip Site was best as it had better accessibility and integration to the town centre and did not involve the loss of strategically important employment land.

Mrs Glossop (Town Council) explained that they had been consulted on both applications separately and had not been given the opportunity to give a preference for one or the other. They had not supported the TEP Site as it ran counter to the Thetford Area Action Plan which sought to retain employment areas. The Tulip Site was not supported because of the loss of industrial land, the access to London Road and concerns about additional traffic.

Mr McPhillips (Objector) from the Two Sisters Food Group said they had been trying to acquire the site since 2009 for employment use but the landowner was not prepared to sell it for what it was worth.

Mr Beaumont (Objector) from Lidl Food Stores said that they had been given planning permission for a store on the London Road in 2010. They owned the site and had discharged all the conditions but development was on-hold as a Lidl store would not survive if there were three retailers on the London Road.

Mr Birtles (Agent – Tulip Site) responded to those objections saying that the Tulip Site had been marketed at the correct value and that Lidl had many stores close to other food operators. There were about 5000 people within walking distance of the Tulip Site and only

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600 near the TEP Site which was isolated, greenfield development which could only be accessed by car.

Mr Van Cutsem (Agent – TEP Site) said that a new store on Mundford Road would service an area earmarked for future growth which had no current food retail outlets. Crown Estates/Pigeon were committed to long-term investment in Thetford. They would upgrade the electricity, drainage and sewage provision as well as build the access road to this key employment site.

Councillor Canham (Ward Representative) said that Mundford Road was a key industrial area and non-industrial use would undermine and threaten employment. Additional housing would bring additional people needing employment. Long term it was industry that was needed and she was concerned that permitting retail on the site would set a precedent.

Councillor Jermy (Ward Representative) thanked the Principal Planning Officer for a clear and detailed report. He did not really support either proposal because of the loss of employment land and the effect on the town. However, in his opinion the Tulip Site was preferred as it could not expand. Approval on the TEP Site might lead to other retail uses there. He noted that SoRT iT had not reviewed or discussed the applications.

The Solicitor noted that the Committee should make up their own minds about the proposals, and they could propose new resolutions if they wished. Due to the retail impact it was accepted that only one supermarket should be approved. Both applications had to be taken together. If one was approved the other had to be refused.

Councillor Sharpe asked for clarification of SoRT iT and Councillor Jermy explained that it stood for School of Radical Thought in Thetford and was a collection of businesses, Councillors and voluntary organisations promoting the High Street in Thetford.

Councillor Robinson asked to hear the views of the Economic Development Officers on both applications.

Mr Stanton, Economic Development Manager, had looked at both applications and believed that the TEP Site offered the best opportunity as it would open up the whole site for development. It was a significant gateway site for the A11 and Thetford. The Council has been promoting it for some years but despite their best efforts it had not been brought forward for development. Its position was important and it was critical to existing and new business that it was developed or Thetford stood the chance of losing out to Norwich, Bury St Edmunds and Cambridge.

Councillor Lamb drew attention to the fact that the Town Council did not support either application due to the loss of employment land. He mentioned other sites in the town centre, owned by the Council,

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which could accommodate a supermarket. Any additional development would have a very significant effect on the town centre and the Council should support the Thetford Area Action Plan.

Councillor Armes was concerned about the numbers quoted in the Transport Study in relation to the Tulip Site. She thought that the additional traffic, together with the existing industrial estate traffic would cause queuing.

The Principal Planning Officer (Major Projects) pointed out that both applications were supported by Transport Assessments which had been considered by the Highways Authority and accepted without objection. With regard to the Tulip Site he said that various improvements were proposed including traffic lights to the junction.

Councillor Armes was concerned that the Tulip Site would put all the main food stores and white goods outlets to the south of the town. The TEP Site was the 'golden key' to unlock land which had been dormant for 20 years. The Committee could restrict further development and specify that no white goods be sold there. There would still be 3.5 hectares of land for industrial/employment use. As well as 5000 new houses to be built there were also many villages to the north of the town whose residents would use the supermarket at the TEP Site.

Councillor Spencer noted that there were already two large estates to the north of the town. The TEP was meant to be a business park, but if the supermarket was allowed and its size restricted, the rest of the site could be employment land.

Councillor Bambridge asked about certainty of development and both Agents confirmed that they had a supermarket confirmed. He then asked what percentage of customers accessed major supermarkets on foot and was advised by Mr Wilkes (Consultant) that it depended on the location but that typically, for out of town centre superstores, 90-95% of people accessed the facilities by car. However, good bus and walking facilities would increase the number accessing by foot.

Councillor Claussen noted that the report said there was no significant impact on the town centre. However, some shopkeepers that he knew believed that the proposal would put them out of business.

Councillor Bowes was concerned about the extra traffic through the middle of Thetford for the Tulip Site. With regard to the cycle route she questioned the number of people that did their main shop on a bicycle.

Councillor Carter agreed and thought that the weight given to the accessibility of the Tulip Site was marginal as people used cars to do their food shopping.

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Councillor Robinson was concerned about public safety with the Tulip Site. Regarding the isolation of the TEP Site he noted that when Tesco was first built it was isolated but housing grew up around it. He thought that the TEP Site should be supported.

Councillor North asked whether the electricity supply would be sufficient for the whole TEP Site and was advised that it would be, assuming that no occupier had an exceptionally high demand.

The Principal Planning Officer (Major Projects) noted that the £5million investment in the TEP Site would be of value to the whole site although much of it was needed to provide for the supermarket. Another £3m of infrastructure investment would be required to extend the road, level the site, do the groundworks and provide service connections to the rest of the site.

The officers' recommendation was not supported. A new proposal was made to approve the TEP site due to the potential to bring forward economic benefits by facilitating the development of the rest of the Enterprise Park and to refuse the Tulip Site on grounds of retail impact on the town centre.

RESOLVED that:

- (1) the application for the TEP Site be deferred and the officers authorised to grant approval, subject to conditions, on completion of the section 106 agreement; and
- (2) the application for the Tulip Site be refused on grounds of retail impact.

15/13 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)

RESOLVED that the applications be determined as follows:

- a) Item 1: ATTLEBOROUGH: Birds Meadow, Buckenham Road: Erection of 17 dwellings: Applicant: Ms Sharmane Edwards: Reference: 3PL/2012/1243/F

This application for 17 dwellings was similar to a proposal refused in 2011 on grounds that the site was outside the Settlement Boundary, impact on the area and trees; and access issues. In view of the Council's lack of a five year housing land supply, such applications were to be determined on the basis of the National Planning Policy Framework (NPPF). The site would provide 40% affordable housing and had good eco-credentials. However, the layout was constrained by a gas pipeline which crossed the site. The Officer thought that the layout was at odds with development in the locality and that the density to the rear of the site was at odds with its surroundings.

The Highways Authority had objected to the access

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arrangements, due to lack of sufficient visibility splays. The applicant said there was scope for agreement with an adjacent landowner to allow hedge trimming to achieve the required splays.

It was proposed to infill an existing pond and create a new one and there was concern about the effect of that on an adjacent protected oak tree.

On balance the scheme was considered unacceptable and was recommended for refusal.

Mrs Taylor (Town Council) supported the recommendation of refusal. The scheme did not fit with the existing street scene and there were traffic and safety concerns. The Town Council also wanted to prevent piecemeal development. They were considering a Neighbourhood Plan for the town and wanted to stop development outside the Settlement Boundary until infrastructure provision had been addressed.

Mr Cumming (Agent) responded to the objections saying that the pond was heavily shaded and silted up. Specialist advice was to fill the pond in. That would enhance the life of the closest tree. With regard to access, visibility splays could be achieved by cutting back the hedge. An application would also be made to extend the 30mph limit along the site frontage.

Councillor Stasiak (Ward Representative) thought there was a lack of consistency in the Officers' recommendations. 350 houses had been approved recently outside the Settlement Boundary with a reduced affordable housing provision. This site would give the full amount and there were over 600 people on the housing waiting list. The application was not opposed by local residents and the buildings would enhance the area.

Councillor North was concerned that infilling the pond could cause drainage problems.

Councillor Bambridge asked how it could be ensured that the visibility splay would be retained for future years. He asked about the Town Council's timescale for their Neighbourhood Plan and was advised that, due to all the work done for the Attleborough Action Plan, it should be possible to produce the Neighbourhood Plan within 12 months.

Refused, as recommended.

- b) Item 2: ROUDHAM/LARLING: Roudham Farm: Erection of environmentally controlled onion storage building: Applicant: W O & P O Jolly: Reference: 3PL/2012/1352/F

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This application proposed a new onion store within the existing farm complex. Its visual impact would be partly screened by existing hedging. The applicant was in attendance to answer questions if required.

Approved, as recommended.

Notes to the Schedule

Item No	Speaker
Agenda Item 8a	Mrs Glossop – Town Council Mr McPhillips – Objector (2SFG) Mr Beaumont – Objector (Lidl)
Tulip Site	Mr Birtles – Agent Mr Hoare - Agent Councillor Jermy – Ward Representative
TEP Site	Mrs Glossop – Town Council Mr Hoare – Objector Mr Van Cutsem – Agent Councillor Canham – Ward Representative
Schedule Item 1	Councillor Stasiak – Ward Representative Mr Cumming – Agent Mrs Taylor – Town Council
Item 2	Mr Jolly - Applicant

Written Representations Taken into Account

Reference No	No of Representations
3PL/2012/0213/O	9
3PL/2012/0748/O	2

**16/13 AGRICULTURAL NOTIFICATIONS (FOR INFORMATION)
(AGENDA ITEM 10)**

Noted.

**17/13 APPLICATIONS DETERMINED BY THE DIRECTOR OF
COMMISSIONING (AGENDA ITEM 11)**

Noted.

**18/13 APPLICATIONS DETERMINED BY NORFOLK COUNTY
COUNCIL (FOR INFORMATION) (AGENDA ITEM 12)**

Noted.

19/13 APPEAL DECISIONS (FOR INFORMATION) (AGENDA ITEM 13)

Noted.

The meeting closed at 12.47 pm

CHAIRMAN