

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

Item No.	Applicant	Parish	Reference No.
1	Mr V Somers	DEREHAM	3PL/2008/1302/F
2	Gorgate Ltd	SCARNING	3PL/2008/1305/F
3	Peddars Way Housing Associatio	HARLING	3PL/2008/1438/F
4	Location 3 Properties Ltd & Su	THETFORD	3PL/2008/1497/F
5	Mrs S Nicholls	WATTON	3PL/2008/1557/CU
6	Mr T Eames	MATTISHALL	3PL/2008/1576/F
7	Mr B G Walker	MUNDFORD	3PL/2008/1581/O

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ITEM	1	RECOMMENDATION : APPROVAL
REF NO:	3PL/2008/1302/F	
LOCATION:	DEREHAM Land to the North & South A47 Trunk Road	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Mr V Somers Grove Farm Merton	
AGENT:	Middleton & George Limited The Northwest Tower North Quay	
PROPOSAL:	Erection of petrol filling stations, restaurant & motel with associated parking & access	

KEY ISSUES

1. Previous planning permissions
2. Impact upon the landscape
3. Highway safety
4. Need for out-of town services

DESCRIPTION OF DEVELOPMENT

The proposal is for development on 2 sites which are located opposite each other on either side of the A47. The development proposed for both sites is identical and comprises of a petrol filling station and shop, a restaurant, a motel and associated parking.

The 20 bed motel suites would be situated towards the rear of both sites, whilst the restaurants would be located further towards the site frontage.

A petrol filling station to include shop and canopy is proposed towards the site exit.

HGV spaces and customer car spaces are set amongst small areas of soft landscaping.

SITE AND LOCATION

The report relates to two sites, each of approximately 1.3 hectares, adjacent to the northern and southern carriageways of the A47 Dereham. These sites lie approximately 2.5 km east of the town.

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RELEVANT SITE HISTORY

This application for full planning permission follows several renewals of the outline permission resulting from an appeal decision by the Secretary of State in December 1994. The Inspector granted outline planning consent subject to the development being of single storey only. Permission was granted for reserved matters on either side of the A47 at Development Control Committee on 18 December 2006.

POLICY CONSIDERATIONS

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

PPS1 - Sustainable Development

PPS6 - Town Centres

PPS7 - Rural Areas

PPG13 - Transport

TRA5 - Traffic Generation

CONSULTATIONS

DEREHAM T C

No objection: Councillors reiterated their previous comments, that the lighting should be sympathetic with no night light pollution, they also felt that any signing should be sympathetic

NORFOLK LANDSCAPE ARCHAEOLOGY: No comment

HIGHWAYS AGENCY: No objection subject to conditions

NORFOLK CONSTABULARY: Recommend the installation of good quality CCTV for the forecourts of the filling stations. Concerns were expressed regarding car parking as it is hidden away to the rear of the hotel and should be in an area with better natural surveillance.

NORFOLK FIRE & RESCUE: No objection providing the developers provide fire hydrants for both sites.

ENVIRONMENT AGENCY: No objection subject to conditions

COUNCIL'S CONTAMINATED LAND OFFICER: No objection

COUNCIL'S PLANNING POLICY OFFICER: Concerns were raised regarding overprovision of parking, impact on the landscape, lack of evidence of need, lack of a Flood Risk Assessment and lack of information on meeting the 10% renewable energy requirement.

COUNCIL'S TREE & COUNTRYSIDE OFFICER: No comment

NATURAL ENGLAND: No comment

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REPRESENTATIONS

None

ASSESSMENT NOTES

- * This report has been brought before the Committee because the scheme is a major application.
- * Members should be aware that the proposal is almost identical to similar proposals for reserved matters which were granted by the Development Control Committee on 18 December 2006. Whilst there have been concerns raised by the Council's Planning Policy team with regard to a lack of evidence of need for the proposal, it should be taken into account that the reserved matters permissions didn't expire until 19 December 2008. Additionally, a report will be submitted by the agent providing evidence of need, which will be reported verbally at Development Control Committee.
- * The main alteration to this scheme, with regard to the previous approvals, is that the link between the restaurant and motel has been removed. There have also been a few small alterations with regard to external openings and car parking layout. This application is necessary in order to extend the approval for a further three years. The garage operator who wishes to commence with the proposal is currently awaiting the completion of the section 278 by the Highways Agency.
- * The scheme, as submitted, has also been amended resulting in a reduction of car parking spaces, which in turn has enabled a more comprehensive landscaping scheme to be provided.
- * The single storey motels, which sit towards the rear corner of both sites, are approximately 53 metres x 21 metres, providing 20 bedrooms under a shallow pitched ridge roof. Small projecting gables have been added to the front elevation to add interest to the appearance of the building. The scale of the building and its design has been chosen to reflect the residential nature of its use.
- * The restaurant appears almost barn-like in form, with the addition of a hipped front gabled projection. A mix of materials is proposed to include large areas of red brick and stained boarding. A planning condition will ensure that notwithstanding the approved plans, clay pantiles will be used for roofing materials.
- * A 16 metre x 7.5 metre shop building under a mono-pitched pantiled roof, sits adjacent to a basic, flat-roof filling station canopy. The materials reflect those of the restaurant and motel.
- * The petrol filling station includes elements of boarding to break up the elevations of the building.
- * The restaurant and the filling station will prove to be the more dominant features of the development, being set closer to the trunk road.
- * The adopted East of England Plan Policy ENG1 requires developments of over 10,000m² non-residential floor space to provide 10% of their energy from decentralised and renewable or low carbon sources. A planning condition will ensure that a scheme for generating at least 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources (as defined in PPS Planning and Climate Change (2007) or any subsequent revision) shall be submitted to and approved in writing by the Local Planning Authority.
- * Finally, the Environment Agency's Standing Advice requires a Flood Risk Assessment (FRA) for development proposals over 1ha in area. The lack of an FRA is not deemed to be an issue in this instance because the site does not lie within Flood Zones 2 or 3 and the Environment Agency has not objected to the proposal subject to the addition of a condition requiring drainage details.
- * The application is recommended for approval subject to conditions.

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RECOMMENDATION Planning Permission

CONDITIONS

- 3007** Full Permission Time Limit (3 years)
- 3048** In accordance with submitted AMENDMENTS
- 3106** External materials and samples to be approved
- 3116** Roof of clay pantiles
- 3413** Indicated landscaping to be implemented
- 3800** Services to be placed underground
- 3410** Hardlandscaping - details and completion
- 3508** No external storage
- 3920** Foul water
- 3920** Surface water
- 3920** Parking
- 3920** Lighting
- 3920** Highway condition access/parking/manoeuvring etc
- 3941** Renewable Energy
- 3998** NOTE: Reasons for Approval

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ITEM	2	RECOMMENDATION : APPROVAL
REF NO:	3PL/2008/1305/F	
LOCATION:	SCARNING AND DEREHAM Riverside Garden Centre Old Swaffham Road	APPN TYPE: Full POLICY: In Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: Y TPO: N LB GRADE: N
APPLICANT:	Gorgate Ltd 6a Market Place Dereham	
AGENT:	Gorgate Ltd 6a Market Place Dereham	
PROPOSAL:	Provision of 615 sq.m retail/ commercial space with 14 flats above (over 2 floors) & 14 car parking spaces to rear	

KEY ISSUES

1. Impact upon character and appearance of the area
2. Residential amenity
3. Highway safety
4. Contamination
5. Flood risk

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the demolition of the existing single storey retail premises to be replaced with a three storey building consisting of four A1 retail units at ground floor, which provides a total of 615sqm of floorspace, with a total of 14 flats provided at first and second floor level. The building also provides an outside amenity space at first floor level. Off road parking is provided at the front of the site which will serve the proposed retail units and the existing retail unit. The 14 spaces to the rear are for the residents of the proposed flats. To the rear of the site is an enclosed cycle and bin storage facility.

SITE AND LOCATION

The site at present consists of vacant retail premises (formerly Gasworks) which are of pitched roof, single storey construction with off-road parking to the front of the site and enclosed area at the rear which was previously used for display/retail purposes. To the north of the site is an existing A1 retail unit, to the south east is a residential development, to the south west is the Riverside Close carriageway beyond which is the Dereham Stream and to the north west is the Swaffham Road carriageway.

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RELEVANT SITE HISTORY

3PL/2005/0131/F - Wooden storage building (retrospective) - Approved.
3PL/2001/0689/F - Construction of takeaway food shop - Approved.
3PL/1999/1491/F - Installation of ATM cash machine and CTH cash transfer hatch - Approved.
3PL/1999/0957/F - Erection of cafeteria ancillary to garden centre - Approved.
3PL/1998/0874/F - Erection of convenience store - Approved.
3PL/1997/0247/F - Retail glasshouse - Approved.
3PL/1993/1327/F - Revised scheme for shop units to include sale of food/drink and hot food take-away - Approved.
3PL/1993/1260/F - Extension to garden centre - Approved.
3PL/1990/1647/F - Erection of a conservatory for tea room and display - Approved.
3PL/1986/1639/F - Proposed garden centre, glasshouses, retail area, tea room, car park etc. - Approved.

POLICY CONSIDERATIONS

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

PPS1: Sustainable Development
PPS3: Housing
PPS6: Town Centres
PPS23: Planning and Pollution Control
PPS25: Flood Risk
HOU2: Housing in Towns
TRA5: Traffic generation

CONSULTATIONS

SCARNING P C

Objection

Comments: Over development of the site. The Parish council does not support the proposed three storey buildings.

DEREHAM T C

Objection: Concerns were raised about flooding as building on a flood plain. Councillors also felt this was over-development of the site and the design was out of keeping with the area. As both commercial and residential property was planned, councillors felt 14 parking spaces insufficient and parking/traffic problems could occur.

COUNCIL'S ENVIRONMENTAL HEALTH OFFICER - No objection.

COUNCIL'S PLANNING POLICY OFFICER - In terms of the retail element, on the assumption that the existing retail use on site is lawful and that the proposed floorspace is not significantly larger there is no objection. Flood risk must be assessed. Given it is a major application, 10% of its energy should come from decentralised and renewable or low carbon sources.

NORFOLK RIVERS INTERNAL DRAINAGE BOARD - Any works within 9m of the edge of a

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board maintained drain will require their consent. If the total impermeable area will be reduced as a result of the re-development and no changes to the existing surface water drainage system are undertaken, then the Board will have no objections to its continued use. If this is not the case then Board approval may be needed.

ENVIRONMENT AGENCY - No objection

NORFOLK CONSTABULARY - Resident parking should be suitably lit and allocated to avoid conflict, the outer door to the stairwell should meet the recognised standard and be controlled via electronic access and bollards should be used at the front of the building.

HIGHWAY AUTHORITY - Comments will be reported verbally

COUNCIL'S HISTORIC BUILDINGS OFFICER - No comment.

COUNCIL'S CONTAMINATED LAND OFFICER - Given the history of the site and the close proximity of a backfilled site, a desk study is required and possibly a preliminary site investigation. Conditions would also be required in the event of approval.

NATURAL ENGLAND - No objection.

COUNCIL'S TREE & COUNTRYSIDE OFFICER - Landscaping scheme should be conditioned.

REPRESENTATIONS

A number of objections have been received, a summary of these concerns are as follows:

Concern at density; significant noise and traffic will occur; could be detrimental to pedestrian safety; concern at litter; detrimental to privacy; the applicant has no rights to use the existing "private drive"; problems with refuse bins; concern at close proximity of waste from commercial units will cause problems and three storey development is out of keeping with the locality.

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ASSESSMENT NOTES

- * The application is referred to Development Control Committee as it is a major application.
- * In terms of the design and scale of the proposed development, it is considered that, whilst three storey development is not readily prevalent within the immediate locality the degree of separation from the residential development to the rear (which does include some two storey development with rooms in the roof), the significant setback from the Swaffham Road carriageway coupled with the design of the scheme, (which features attractive gable and dormer detailing, an effective mix of materials and a corner gable which acts as a focal point for the building) it is considered the scheme is acceptable in terms of the character and appearance of the locality. An amended plan is awaited which will remove one gable in the interests of the design of the building.
- * In terms of neighbour amenity, it is considered that the degree of separation between the proposed residential units and the existing neighbouring properties is such that neither light, outlook or privacy would be significantly compromised. In terms of the retail units it is considered appropriate to condition the opening hours of these units given their relationship with the existing neighbouring residential properties. The applicant has agreed to re-site the proposed bin and cycle store so as to avoid nuisance to the adjacent occupiers; an amended plan is awaited.
- * In terms of highway safety, the comments of the Highway Authority are awaited. It has been indicated that there is no objection in terms of vehicle movements, parking or visibility levels, however, conditions will be required in respect of footway provision.
- * In relation to parking and vehicle movements, concern has been expressed that the applicant does not have sufficient rights of access over the adjacent private drive. The agent has provided evidence in the form of part of a legal agreement which supports the applicant's claim that they have the right to use part of the drive for any purpose at all times.
- * Given the comments of the Contaminated Land Officer, the applicant is in the process of preparing a desk study which will be submitted in the near future. In turn, it is likely that as a result of this a site investigation will be required and therefore the requisite condition in relation to this matter will be attached to any subsequent consent.
- * Given the current use of the site is for retail purposes and the fact that there is no increase in retail floor area proposed, it is not considered that the replacement A1 units will conflict with planning policy in relation to the vitality and viability of the town centre.
- * The applicant has agreed that they are satisfied to have a condition which requires a 10% contribution towards renewable energy sources in relation to RSS Policy ENG1.
- * Norfolk Constabulary have requested a lighting scheme for the resident parking; the applicant is satisfied with a condition to secure this. Attention will be drawn to the need for it to be low-level so as to safeguard existing neighbour amenity. Allocated parking and communal stairwell access will be consistent with Norfolk Constabulary requirements. However, the applicant does not wish to install bollards at the front of the retail units. It is not considered that the failure to provide these justifies a reason for refusal.
- * Both the Environment Agency and Internal Drainage Board have confirmed that they have no objections.
- * In conclusion, it is considered that the proposal meets with the requirements of the relevant local and national policies and as such is recommended for approval.

RECOMMENDATION

Planning Permission

CONDITIONS

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- 3007** Full Permission Time Limit (3 years)
- 3048** In accordance with submitted AMENDMENTS
- 3106** External materials and samples to be approved
- 3408** Landscaping - details and implementation
- 3548** Full details of external lighting
- 3508** No external storage
- 3520** No loading during unsocial hours
- 3920** Hours of use
- 3920** Ground floor A1 use only
- 3946** Contaminated Land condition (During)
- 3947** Contaminated Land (Prior to)
- 3740** Any highway conditions
- 3941** Renewable Energy
- 3994** NOTE: Drainage Board requirements
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans

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ITEM	3	RECOMMENDATION : APPROVAL
REF NO:	3PL/2008/1438/F	
LOCATION:	HARLING 19 Jubilee Avenue	APPN TYPE: Full POLICY: In Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: Adjacent Grade 2
APPLICANT:	Peddars Way Housing Associatio The Chapel Keswick Hall	
AGENT:	Barefoot & Gilles 11a Princes Street Ipswich	
PROPOSAL:	Demolish existing houses (19 & 20) to create access & construction of 13 new two storey houses in 5 blocks	

KEY ISSUES

1. Design and layout
2. Impact on setting of Listed Buildings
3. Highway safety

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the erection of 13 two storey dwellings following the demolition of two existing dwellings, 19 and 20 Jubilee Avenue. The site would be accessed from Jubilee Avenue. The application is accompanied by a Design and Access statement, an Arboricultural Implications Assessment and Tree Protection Plan, a Landscaping Schedule and a Transport Statement commenting on concerns raised by the Highways Authority.

SITE AND LOCATION

The site lies within the Settlement Boundary of the village of East Harling. The site lies north of The Crescent and south of Jubilee Avenue. The dwellings within The Crescent are Grade II Listed

RELEVANT SITE HISTORY

3PL/2008/0198/F - Demolition of number 19 and 20 to create access to and construction of 14 new two storey timber framed houses - Withdrawn

3PL/2007/1064/F - Demolish No. 19 to create access to and construction of 12 new two storey timber framed houses in three blocks - Withdrawn

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POLICY CONSIDERATIONS

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

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPS9 - Biodiversity and Geological Conservation
PPG13 - Transport
PPG15 - Planning and the Historic Environment
PPS22 - Renewable Energy
PPS23 - Planning and Pollution Control

Local Plan

HOU4 - Housing in the villages
TRA5 - Transport safety

CONSULTATIONS

HARLING P C

Considered the design of the dwellings, whilst an improvement on the earlier submission was less than ideal. Comments on previous scheme remain, in summary these were that application should be refused on the following grounds:

- " Loss of green open land
- " Demolition of existing dwellings
- " Vehicular impact - access/egress from Jubilee Avenue onto Kenninghall Road
- " Adequacy of existing village infrastructure
- " Design of proposed dwellings
- " Support principle of affordable dwellings but not on this site

HIGHWAY AUTHORITY - Initially recommended refusal on the grounds of restricted visibility at the junction of Jubilee Avenue with Kenninghall Road.

Following the results of a speed survey undertaken by the applicants, the Highways Authority consider that, subject to conditions, an acceptable level of visibility can be achieved and raise no objections

ENVIRONMENT AGENCY - No objection, comments

INTERNAL DRAINAGE BOARD - No comment

NATURAL ENGLAND - Object on the grounds that insufficient survey information has been submitted to demonstrate whether or not the development would have an adverse effect on legally protected species

NORFOLK WILDLIFE TRUST - The landscaping schedule describes the site as being rough grassland with managed and unmanaged gardens. Consider that an assessment of ecological impact should be submitted along with recommendations for enhancement in line with the guidance contained within PPS9.

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NORFOLK CONSTABULARY - Will await Secured by Design application, alterations have not increased concerns raised previously

NORFOLK LANDSCAPE ARCHAEOLOGY - No comment

COUNCIL'S TREE AND COUNTRYSIDE OFFICER - Landscaping scheme is acceptable. Still consider that units 12 and 13 should be removed to form a complete buffer between the proposed development and the surrounding houses and create a good sized open space

COUNCIL'S HISTORIC BUILDINGS OFFICER - Considers that units 12 and 13 should be omitted with landscaped screening to the northern extent of this part of the site

COUNCIL'S ENVIRONMENTAL PLANNING OFFICER - No objection to principle given that the site falls within the Settlement Boundary and would provide affordable housing. Detailed objections have been raised in relation to the effects on the setting of adjacent Listed Buildings and, in turn, the form and character of the village.

COUNCIL'S ENVIRONMENTAL HEALTH OFFICER - Concern regarding late-night activity/noise within amenity area. Recommends conditions to mitigate against this.

COUNCIL'S CONTAMINATED LAND OFFICER - Recommends conditions

COUNCIL'S STRATEGIC HOUSING OFFICER - The scheme addresses the housing needs of the parish of East Harling. The site is within the Settlement Boundary and represents a good use of land which is in the control and ownership of Peddars Way Housing Association.

REPRESENTATIONS

Five letters have been received raising the following issues:

- * Construction traffic, noise, access for lorries opposite a primary school
- * Dangerous exit from Jubilee Avenue due to restricted vision
- * Overdevelopment
- * Loss of existing dwellings
- * Loss of green space
- * Quietness of area will be compromised
- * Concern regarding future occupants as houses appear not to be family houses
- * Will compromise safe play area for children at bottom of the avenue
- * Water pressure will be diminished
- * Bungalows would be more in keeping and less of an intrusion and result in less car ownership

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ASSESSMENT NOTES

- * The proposal is referred to Development Control Committee as the application is a major application.
- * The site is within the Settlement Boundary of the village of East Harling where, in principle, development is acceptable.
- * The proposal is to provide 13 dwellings comprising a mix of one x one bedroom, six x two bedroom, five x three bedroom, one x four bedroom
- * Plots 1 and 2 would replace No's 19 and 20 Jubilee Avenue and facilitate the proposed access arrangement
- * A previous application submitted under reference 3PL/2008/0198/F was withdrawn following officers' concerns in a number of respects including the design and materials proposed and the impact on the setting of the Listed dwellings at The Crescent.
- * The current submission seeks to address these concerns.
- * The site forms a link between The Crescent and Jubilee Avenue. The character of existing development at The Crescent and Jubilee Avenue are very different and the revised design seeks to recognise this. Plots 1 and 2 reflect the predominantly brick built traditional form of the houses on Jubilee Avenue.
- * In relation to the dwellings closest to the Listed crescent dwellings, previously a terrace of five dwellings was proposed. The scheme has been revised and a pair of semi-detached dwellings (plots 12 and 13) are now proposed, sited north east of 11 The Crescent and facing towards an open amenity area. This would maintain the open aspect when viewed from The Crescent.
- * The proposed dwellings on plots 12 and 13 have been designed to be sympathetic to the Listed crescent properties including the inclusion of brick plinths and render.
- * The proposed palette of materials includes soft red brick, render and European larch cladding.
- * The proposed dwellings are designed to achieve a level 3 rating under the Code for Sustainable Homes.
- * PPS3 aims to achieve the efficient use of land. The proposed density achieved for the development is 39 dph which is consistent with guidance set out in PPS3 which suggests 30 dph as a minimum.
- * The Council's Historic Buildings Officer and Tree and Countryside Officer consider that units 12 and 13 would be detrimental to the setting of the Listed Buildings and should be removed from the scheme. However, it is considered that, on balance, these dwellings would not be significantly prominent when viewed from The Crescent owing to existing planting, including a mature tree within the garden of 11 The Crescent and owing to the proposed additional soft landscaping which would retain a green buffer and further reduce the impact of the proposed development.
- * Following objections raised by the Highways Authority with regard to visibility at the junction of Kenninghall Road and Jubilee Avenue, the applicants have carried out a survey of traffic along Kenninghall Road by the Jubilee Road junction, having discussed the methodology for the survey with County Highways and have proposed amendments to the Jubilee Avenue/Kenninghall Hall junction.
Following the results of the survey, County Highways consider that, subject to conditions, an acceptable level of visibility can be achieved and raise no objections.
- * With respect to the loss of the existing dwellings, the buildings are neither Listed, nor within a Conservation Area and are not considered to be of any particular architectural merit. A refusal of planning permission based on the loss of these dwellings would, therefore, be very difficult to substantiate in policy terms.
- * With regard to the loss of green space, the land is currently vacant and unused and has no formal designation as open space and there is similarly no policy basis on which a refusal of planning permission could be substantiated based on the loss of this land to development.

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- * The future occupancy of the units is outside the Council's control, other than the fact that they would be affordable units and offered to local people who meet specified criteria.
- * There is a mix of dwelling types proposed and includes 6 units of family sized accommodation; five x three bedroomed dwellings and one x four bedroomed dwelling.
- * In conclusion, the site is within the Settlement Boundary and its development is acceptable in principle. The proposed development achieves the efficient use of a brownfield site at a density in accordance with PPS3 and in a sustainable location within the Settlement Boundary of the village.

The scheme provides for 100% affordable housing and the proposed development, if permitted, would make a significant contribution towards addressing the housing needs of the parish of East Harling.

It is considered that the form of development as revised is acceptable having regard to advice contained in PPPS3, in relation to Policy HOU4 which aims to ensure new development will enhance the form and character of the village and its setting and that the proposed development will not have a significant impact on the setting of the Listed crescent properties, subject to the implementation of the proposed additional landscaping which may be secured by condition.

RECOMMENDATION

Planning Permission

CONDITIONS

- 3007** Full Permission Time Limit (3 years)
- 3046** In accordance with submitted plans
- 3106** External materials and samples to be approved
- 3302** No P.D. for extensions, roof alterations, porches
- 3300** No P.D. for fences, walls etc
- 3304** No P.D. rights for extensions, sheds, etc
- 3306** No P.D. rights for garages
- 3994** Note: Bats and owls
- 3740** Highway: roads, footway, foul & surface water drainage
- 3740** Highway: roads, footway, foul & surface water sewers
- 3740** Highway: binder course surfacing
- 3740** Highway: widen footpath & carriageway
- 3740** Highway: off-site highway improvement
- 3750** Visibility splays
- 3750** Car parking etc laid out
- 3750** Wheel cleaning facilities
- 3750** Wheel cleaning facilities
- 3994** Note - Highways
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans

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ITEM	4	RECOMMENDATION : APPROVAL
REF NO:	3PL/2008/1497/F	
LOCATION:	THETFORD Former Sultans Site London Road/Burrell Way	APPN TYPE: Full POLICY: In Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Location 3 Properties Ltd & Su c/o agent	
AGENT:	RPS Planning & Development Ltd 10 Queen Street Mayfair	
PROPOSAL:	Erection of non-food retail warehouse (A1) & external garden centre, assoc. access, servicing, car park, l'scaping	

KEY ISSUES

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

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DESCRIPTION OF DEVELOPMENT

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

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

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

The application is accompanied by:

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

SITE AND LOCATION

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

RELEVANT SITE HISTORY

No relevant site history

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

POLICY CONSIDERATIONS

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

PPS1: Sustainable Development

PPS6: Town Centres

PPG13: Transport

PPS22: Renewable energy

PPS23: Planning and Pollution Control

East of England Plan

Policy SS.6: City and Town Centres

Policy ENG1: Carbon Dioxide Emissions and Energy Performance

Policy E2 - Provision of Land for Employment

Policy TH1 - Thetford Key Centre for Development and Change

Saved Breckland Local Plan

TRA.5 Traffic Generation

CONSULTATIONS

THETFORD T C

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

NATURAL ENGLAND - No objection

HIGHWAY AUTHORITY - No objection subject to conditions

ENVIRONMENT AGENCY - No objection subject to conditions

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

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

COUNCIL'S CONTAMINATED LAND OFFICER - Recommends conditions

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

REPRESENTATIONS

None

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ASSESSMENT NOTES

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

RECOMMENDATION

Planning Permission

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CONDITIONS

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

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ITEM	5	RECOMMENDATION : APPROVAL
REF NO:	3PL/2008/1557/CU	
LOCATION:	WATTON 5 North Road	APPN TYPE: Change of Use POLICY: In Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Mrs S Nicholls 5 North Road Watton	
AGENT:	Mrs S Nicholls 5 North Road Watton	
PROPOSAL:	Change of use of land to garden area and erection of one metre high fence	

KEY ISSUES

1. Impact on character of area
2. Loss of amenity space

DESCRIPTION OF DEVELOPMENT

Change of use of an area of grass verge outside the curtilage of a semi detached dwelling on a residential estate to garden and the erection of a 1 metre high wooden fence. The proposed fence, at 1 metre in height, is permitted development. Any means of enclosure greater than 1 metre would require planning permission.

SITE AND LOCATION

No. 5 George Trollope Road is a two storey semi detached dwelling with conservatory to the side. Its present curtilage is defined by a hedge to the edge of the footpath to the front of the dwelling and a low brick wall, running parallel to the face of the dwelling to the side. A wide strip of grassed land lies between that wall and the footpath and a narrow verge of grass between that footpath and the carriageway.

RELEVANT SITE HISTORY

3PL/2008/1032/F - Change of use of land to garden land with fence around - Refused

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POLICY CONSIDERATIONS

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

PPS1: Delivering Sustainable Development

CONSULTATIONS

WATTON TOWN CLERK

Objection:-

The Committee recommend refusal as the land is public open space and would be a loss of amenity land to the public.

COUNCIL'S CONTAMINATED LAND OFFICER - No objection

NATIONAL GRID - Negligible risk

REPRESENTATIONS

Representations received in respect of the previous proposal related to the loss of public open space, potential for residential development, impact of fencing on street scene, impact on the character of the area.

Further comments in respect of this proposal will be reported verbally

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ASSESSMENT NOTES

- * The application is referred to Development Control Committee as the land is owned by Breckland Council. A previous application for the same proposal was refused on 3rd September, 2008 on the grounds of detriment to the area and loss of amenity.
- * The land forms part of a wider area of grassed highway verge which is characteristic of this estate. The land is not used for recreational purposes. If it were to be incorporated into the garden of the adjacent house, a triangular grassed area, on the corner, would remain between any boundary treatment and the carriageway and a grass verge between the footpath and road.
- * Boundary treatments in the area are generally natural hedges or low fences. A 1 metre high wooden fence is proposed to enclose the land to provide some security to the extended garden. A hedge may be planted to soften the impact. Planning permission is not specifically required for any fence, adjacent to the highway, up to 1 metre in height.
- * Previous discussion at Committee in relation to the earlier application referred to the open nature of this part of Watton and the importance of maintaining "green areas" within the residential estate. Supporting information from the applicant refers to various other sites in the locality where new development or the enclosure of land with substantial hedges has already taken place without undue impact on the amenities of the area. Reference is also made to the large grassed area of land, opposite the site, which provides a large open space for play or recreation.
- * Watton Town Council object to the loss of public open space and amenity land.
- * The site of the application does not serve any useful purpose in respect of providing open space for play or recreation although it does contribute to some extent to the general character of the area. However, supporting information demonstrates that the inclusion of pieces of land, such as that the subject of the application, into the curtilage of adjacent houses has already taken place in similar locations through the residential estate without undue detriment to general amenity.
- * Subject to conditions restricting permitted development rights, the proposal is, on balance, considered acceptable.

RECOMMENDATION Planning Permission

CONDITIONS

- 3007** Full Permission Time Limit (3 years)
- 3046** In accordance with submitted plans
- 3304** No P.D. rights for extensions, sheds, etc
- 3956** NOTE: Change of use only (Land)
- 3998** NOTE: Reasons for Approval

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ITEM	6	RECOMMENDATION : REFUSAL
REF NO:	3PL/2008/1576/F	
LOCATION:	MATTISHALL The Barn Walnut Tree Farm Mill Road	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Mr T Eames 75 Theatre Street Dereham	
AGENT:	J W M Design 23 Litcham Road Mileham	
PROPOSAL:	Proposed conversion of barn to dwelling	

KEY ISSUES

The key issue in this case is the suitability of the barn for conversion and the amount of rebuilding work required for domestic conversion.

DESCRIPTION OF DEVELOPMENT

The proposal seeks full planning permission for the conversion of the barn to provide a 4-bedroom dwelling.

SITE AND LOCATION

The site lies on the corner of Mill Road and West End and is located outside the Settlement Boundary of Mattishall.

RELEVANT SITE HISTORY

No relevant site history

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POLICY CONSIDERATIONS

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

PPS1: Sustainable Development

PPS3: Housing

PPS7: Rural Areas

PPG16: Archaeology

TRA5: Where development would endanger transport safety, generate traffic that would be detrimental to the transport network, require highway improvements that would conflict with conservation considerations or attract traffic that would have an adverse effect on residential amenity, it will not be permitted.

CONSULTATIONS

MATTISHALL P C

Proposed conversion of barn to dwelling - No objection with comments: Possible Highways issue with access to the road. Would like to see sympathetic building materials used. Query over question 19 on application - incomplete?

On all of the planning applications received by Mattishall Parish Council we wish to endorse the Campaign to Protect Rural England's stance on light pollution. Please include the following paragraph with the above planning applications:

Norfolk County Council recognises in its Environmental Lighting Zones policy the importance of preserving dark landscapes and dark skies. In order to minimise light pollution Mattishall Parish Council recommend that any outdoor lights associated with this proposed development should be:

1. fully shielded (enclosed in full flat glass cut-off fitments)
2. directed downwards (mounted horizontally to the ground and not tilted upwards)
3. switched on only when needed (no dusk to dawn lamps)
4. white light low-energy lamps (Philips Cosmopolis or fluorescent) and not orange or pink sodium sources

NORFOLK COUNTY COUNCIL'S HIGHWAYS: No objection subject to conditions

NORFOLK LANDSCAPE ARCHAEOLOGY: No objection subject to condition

COUNCIL'S ENVIRONMENTAL HEALTH OFFICER: No objection subject to condition

NATURAL ENGLAND: No comment

COUNCIL'S TREE AND COUNTRYSIDE OFFICER: No comment

REPRESENTATIONS

None

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ASSESSMENT NOTES

- * This application has been called into Development Control Committee at the request of a Ward Member.
- * The buildings have been marketed satisfactorily for possible commercial uses and there have been no objections from relevant consultees with regard to any adverse impact on protected species.
- * Planning Policy Statement (PPS) 7 however states that the government's policy is to support the re-use of "suitably constructed buildings in the countryside" and that the local Planning Authority should be aware of "the suitability of different types of buildings, and of different scales, for re-use". From inspection of the site it is evident that whilst the main barn is in a suitable condition for conversion (although the roof would have to be replaced), the rest of the structure proposed for conversion would have to be almost totally rebuilt. The proposed plans indicate that the majority of the outbuilding to the west of the site requires rebuilding whilst photographs taken on site illustrate that the proposed bathroom, utility room kitchen and family/breakfast room along the northern elevation of the site would have to be totally rebuilt. It is therefore evident that the majority of the scheme would not involve the re-use of existing buildings and would in fact involve the rebuilding of former buildings. The accompanying structural plan is generally supportive of this view.
- * It should be noted that the Local Planning Authority did ask the agent to amend the proposal by including only the main barn for conversion to domestic use as this was felt to represent a suitable alternative to significant rebuilding. However, the agent decided against such changes.
- * On the basis of the amount of rebuilding that is likely to be necessary to provide the level of accommodation sought by the applicant, the scheme is considered unacceptable.

RECOMMENDATION

Refusal of Planning Permission

REASON(S) FOR REFUSAL

- 9900** Planning Policy Statement 7
- 9900** Unsuitable re-use of buildings

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ITEM	7	RECOMMENDATION : REFUSAL
REF NO:	3PL/2008/1581/O	
LOCATION:	MUNDFORD 24 Fir Close	APPN TYPE: Outline POLICY: In Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Mr B G Walker 7 Tusser Road Taverham	
AGENT:	Mr M Vawser Vawser & Co 46 West End	
PROPOSAL:	Construction of one bungalow & detached garage	

KEY ISSUES

1. Impact of the proposal on the residential amenity of the area
2. The form and character of the locality.

DESCRIPTION OF DEVELOPMENT

The proposal seeks outline planning permission (with all matters reserved) for the erection of a bungalow and detached garage.

SITE AND LOCATION

24 Fir Close is located within the Settlement Boundary of Mundford, to the west of Fir Close. The site is situated within the rear garden of 24 Fir Close, on land that is currently used as residential garden land. The site is located in an area that is characterised by residential dwellings. The majority of dwellings in the area are semi-detached bungalows.

RELEVANT SITE HISTORY

3PL/2008/0782/O - Construction of one bungalow and detached garage - Refused under delegated powers - subject to appeal.

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POLICY CONSIDERATIONS

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

PPS1: Sustainable Development

PPS3: Housing

PPS7: Rural Areas

PPG16: Archaeology

HOU.4 Within the Settlement Boundaries of villages identified for Individual dwellings or small groups of housing, development will be permitted where it will enhance the form, character and setting of the village.

TRA.5 Where development would endanger transport safety, generate traffic that would be detrimental to the transport network, require highway improvements that would conflict with conservation considerations or attract traffic that would have an adverse effect on residential amenity, it will not be permitted.

CONSULTATIONS

MUNDFORD P C

NO REPLY AS AT 18TH DECEMBER, 2008

NORFOLK LANDSCAPE ARCHAEOLOGY: No objection subject to a condition

HIGHWAYS AUTHORITY: No objection subject to condition

REPRESENTATIONS

No representations have been received at present. Any future representations will be reported verbally at Development Control Committee.

ASSESSMENT NOTES

* This application seeks outline planning permission (with all matters reserved) for the erection of one bungalow and a detached garage. The dwellings located along the western side of Fir Close are characterised by large rear gardens and the erection of a dwelling in the rear garden of 24 Fir Close would represent a cramped form of development that would be out of character for the area. It should be noted that there is some backland development in the area at Nazer Close but none of these houses are constructed directly in the rear gardens of any of the dwellings along Fir Close. Additionally, the dwellings along Nazer Close have been constructed on sites of an adequate size to provide satisfactory amenity space. The site in the rear garden of 24 Fir Close is insufficient in size to provide adequate amenity space for future occupiers of the proposed bungalow.

* The construction of a dwelling in the rear garden of 24 Fir Close would result in an unacceptable loss of garden and amenity land for the occupiers of the parent dwelling. Additionally, the close proximity of the proposed bungalow to neighbouring dwellings would result in overdominance and an unacceptable loss of privacy and light.

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RECOMMENDATION Refusal of Outline Planning Permission

REASON(S) FOR REFUSAL

- 9900** Reason for refusal:HOU.4-not enhance form and character
- 9900** Reason for refusal:PPS1 Delivering Sustainable Development
- 9900** Reason for refusal: PPS3 PPS3: Housing
- 9900** Reason for refusal: Detrimental to amenity of the locality
- 9900** Reason for refusal: Backland development