

# Planning Regulatory Committee

Date: **Friday 21 November 2014**

Time: **10am**

Venue: **Edwards Room, County Hall, Norwich**

**Persons attending the meeting are requested to turn off mobile phones.**

## Membership

Mr D Collis - Chairman

Mr S Agnew

Mr S Askew

Mr M Baker

Mr B Bremner

Mr A Dearnley

Mr C Foulger

Mr A Grey – Vice-Chairman

Mr J Law

Mr B Long

Mr W Northam

Mr M Sands

Mr E Seward

Mr M Storey

Mr J Ward

Mr B Watkins

Mr A White

Under the Council's protocol on the use of media equipment at meetings held in public, this meeting may be filmed, recorded or photographed. Anyone who wishes to do so must inform the Chairman and ensure that it is done in a manner clearly visible to anyone present. The wishes of any individual not to be recorded or filmed must be appropriately respected.

**For further details and general enquiries about this Agenda  
please contact the Committee Officer: Julie Mortimer**

on 01603 223055

or email [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)

Where the County Council have received letters of objection in respect of any application, these are summarised in the report. If you wish to read them in full, Members can do so either at the meeting itself or beforehand in the Department of Environment, Transport and Development on the 3rd Floor, County Hall, Martineau Lane, Norwich.

## **A g e n d a**

- 1 To receive apologies and details of any substitute members attending.**

- 2 Minutes:** (Page 5)

To receive and agree the Minutes of the meeting held on 24 October 2014.

- 3 Members to Declare any Interests**

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

If that is the case then you must declare such an interest but can speak and vote on the matter.

- 4 To receive any items of business which the Chairman decides should be considered as a matter of urgency**

**Applications referred to the Committee for Determination**

Report by the Interim Director of Environment, Transport and Development.

- 5 Development by the County Council: Breckland District Council Y/3/2014/3007 Various Amendments to Planning Permission Y/3/2011/3009 at Thetford Bus Interchange, St. Nicholas Street, Thetford, Norfolk. Interim Director of Environment, Transport and Development** (Page 12)

**Chris Walton**  
**Head of Democratic Services**  
County Hall  
Martineau Lane  
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NR1 2DH

Date Agenda Published: 13 November 2014



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## **STANDING DUTIES**

**In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the committee will also have due regard to these duties.**

### **Equality Act 2010**

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The introduction of the general equality duties under this Act in April 2011 requires that the Council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

### **Crime and Disorder Act, 1998 (S17)**

Without prejudice to any other obligation imposed on it, it shall be the duty of the County Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

### **Human Rights Act 1998**

The requirements of the Human Rights Act 1998 must be considered.

The human rights of the adjoining residents under Article 8, the right to respect for private and family life, and Article 1 of the First Protocol, the right of enjoyment of property are engaged. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity.

The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. A refusal of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.

**Planning Regulatory Committee  
Minutes of the Meeting Held on Friday 24 October 2014  
at 10am in the Edwards Room, County Hall**

**Present:**

Mr D Collis (Chairman)

Mr S Askew

Mr M Baker

Mr B Bremner

Mr A Dearnley

Mr C Foulger

Mr A Grey (Vice-Chairman)

Mr B Long

Mr W Northam

Mr W Richmond

Mr M Sands

Mr M Storey

Mr J Ward

Mr A White

**Also Present:**

Mr A Byrne

**In attendance:**

Mr N Campbell

Mr R Cox

Mrs F Croxen

Mr A Harriss

Mr N Johnson

Ms A Lambert

Mr J Shaw

Mrs J Mortimer

Principal Planner (Acting)

Principal Planner

Senior Solicitor, NPLaw

Senior Planning Officer

Planning Services Manager

Principal Planner

Senior Engineer - Highways Development Management

Committee Officer

**1 Apologies and Substitutions**

Apologies for absence were received from Mr J Law (Mr W Richmond substituted); Mr E Seward, Mr F Agnew and Mr B Watkins.

**2 Minutes from the meeting held on 19 September 2014**

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 19 September 2014 were agreed as a correct record by the Committee and signed by the Chairman.

**3 Declarations of Interest**

There were no declarations of interest.

#### 4 Urgent Business

There were no items of urgent business.

#### 5 **Y/3/2014/3006. Breckland District Council. Old Buckenham. Provide a new build 110 pupil SEN School to replace Chapel Road SEN, Attleborough. Director of Environment, Transport and Development.**

5.1 The Committee received a report by the Interim Director of Environment, Transport and Development setting out the application for the construction of a Special Educational Needs school on a greenfield site in Old Buckenham, Norfolk.

5.2 The following points were noted during the presentation of the report:

- The applicant had revised the statement at paragraph 6.61 of the report to add that one additional minibus per week would be used to transport those less-abled pupils to the school. The Highways Authority had confirmed that this would cause no significant impact on traffic or safety.
- The Highways Authority had confirmed that a 10 metre turning head along the new access road met its requirements. The turning head would be situated along the new access road and would allow vehicles to turn around before entering the barrier into the school grounds.
- A summary of the responses from the consultation by Children's Services which had taken place in July was now available on the [website](#). Officers had considered all the responses from the consultation and concluded that they did not alter the recommendations within the report, or the officer advice to approve the application.
- The entrance and exit barrier along the access road would be situated far enough away from the main road to allow 10-12 vehicles to queue at the barrier without obstructing the main road.
- The Public Rights of Way Officer had reviewed the application regarding the right of way which crossed the access road and had raised no objection as long as no gates were installed. A speed ramp to slow cars would be established along the access road which would alert motorists to the possibility of people crossing the road at that point. Discussions between the applicant and the landowner were taking place about upgrading the footpath, although this was outside of the application.
- It was not possible to stipulate exactly where the 30mph road signs would be moved to as they were the subject of a separate (Traffic Regulation Order) legal process, however the plan presented at the meeting provided a good indication.

- The Multi-Use Games Area (MUGA) and playing field would be available for public use, at the school's discretion, with the hours of use being strictly controlled.
- The water in the lagoon was surface water only and did not include any grey water.
- The application did not include a sprinkler system as this came within the building control regulations, therefore the Committee could not stipulate a condition be added to include the provision of sprinklers. The Planning Services Manager advised that an informative notice could be placed on the decision notice if the Committee approved the application.
- The MUGA would have a surrounding fence, although the exact materials had not yet been decided. The Committee discussed a condition that would require the approval by officers of the materials to be used.

5.3 Mr Tim Bornett addressed the Committee as a resident of Old Buckenham. Mr Bornett asked the Committee not to take the results from the statutory initial consultation into account when making its decision as the consultation had concluded on 14 July and the results would not be reported to Children's Services until 3 November. After the results had been reported, the Director of Children's Services would make a decision on whether to issue a public notice stating the intention to implement the relocation and enlargement proposal.

5.4 Mr Mike Bartlett, a resident of Old Buckenham for the last 44 years, addressed the Committee, during which he raised no concern about the provision of a new school. He said his concerns were about the road infrastructure and that children would be walking to school along roads without footpaths. Mr Bartlett also said that, despite repeated requests, no representative from the Highways Authority had attended any meetings with residents or the Parish Council. Mr Bartlett asked that the application be refused until consultation with the Highways Authority had been completed and a fresh application had been submitted.

In response, the Planning Services Manager advised that the Highways Authority had been consulted on the application and its advice had been included in the report. He advised that the application needed to be considered as it had been presented.

Following a question to Mr Bartlett on the public opinion in general about the provision of a school at the site, Mr Bartlett said that his own opinion was that there was no overall objection and the vast majority of Old Buckenham residents wished to support a new school as long as the infrastructure was put in place beforehand.

5.5 Mr Terry Cracknell, a resident of Old Buckenham addressed the Committee. Mr Cracknell said that his main concern was about safety in the village and that parking outside the existing schools was already causing problems. Mr Cracknell also mentioned that no meeting had taken place with the Highways Authority about the application and that consideration should be given to the installation of a roundabout at the location.

- 5.6 Mr Steve Milner, Chair of Old Buckenham Parish Council addressed the Committee in objection to the application, the main points of which were around the non-provision of crossing aids along the B1077; the reliance on cars to transport students and staff and the design of the building.

Following a question to Mr Milner about whether the Parish Council had taken measures to alleviate problems by utilising the Parish Partnership Scheme, Mr Milner confirmed that match-funding to reduce speed to 20mph had been agreed and the Parish Council was in the process of raising its share of the money.

- 5.7 Mr Adrian Joel, Breckland District Councillor for Buckenham addressed the Committee as District Councillor for Buckenham Ward. Mr Joel was also a Councillor on Old Buckenham Parish Council. Mr Joel advised that he was in support of the application for a school, although he felt that the County Council had not taken into consideration the safety of residents and schoolchildren. He urged the Highways Authority to attend a Parish Council meeting and speak to residents to iron out the issues residents were concerned about.
- 5.8 In response to a question about the lack of attendance at Parish Council meetings, Mr J Shaw, Senior Engineer - Highways Development Management, informed the Committee that the applicant had employed their own highways consultant who should have attended the Parish Council meetings to present their case and alleviate concerns by speaking to residents. He said he could not personally do this as defending the application in public could be seen as affecting his impartiality when he subsequently assessed the application. Mr Shaw confirmed he had been in correspondence with Mr Milner via email to address all of the points which had been raised, including the reasons why he could not accept the Parish Council's invitations to attend their meetings and also to inform him why it would not be possible to install a roundabout at the location.
- 5.9 Mr Shaw acknowledged that, with hindsight, a highways manager who was not connected with the application should have attended the Parish Council meeting to speak with residents about existing traffic issues and he would take the necessary steps to ensure this happened in the future.
- 5.10 In response to a question about staggering the opening hours of the two existing schools to help alleviate traffic congestion, the Planning Services Manager said that the advice in the report was that it was an acceptable proposal and it would not be reasonable to ask schools to change their opening hours.
- 5.11 The proposed new school was self-contained with direct access away from the other two schools. The applicant had confirmed that only eight parents would be bringing their children into the school, the other children would be brought to the school by minibus. The staff working at the site would use the new access road and park their cars on the car park. 80 car parking spaces had been proposed, together with 8 mini-bus spaces, 20 cycle spaces and the Highways Authority had confirmed they were satisfied with these



standards.

- 5.12 There was no vehicle access from Abbey Road to the school, only access for pedestrians using the public footpath running alongside the site.
- 5.13 Mr Glen South, Norfolk Fire Service, asked the Committee to consider adding a condition to the approval, if it was granted, to include a sprinkler system, as it was widely acknowledged that sprinklers saved lives.
- 5.14 Mr Chris Hey, Head of Place Planning and Organisation, Children's Services, Norfolk County Council spoke on behalf of the applicant, during which it was noted that it was the statutory duty of Norfolk County Council to provide educational places for all children in the county, paying particular regard to children with special educational needs. Mr Hey also stated that a further statutory process needed to be carried out whereby the Interim Director Children's Services would decide whether to issue a public notice stating the intention to implement the relocation proposal and that the decision of the Committee would be useful in the Director making that decision. He added that the main reason for locating the school at Old Buckenham was to co-locate the school with nearby mainstream schools to enhance the educational experiences of children attending the school.
- 5.15 Mr Terry Hickman-Smith, Chair of Governors at Chapel Road School, addressed the Committee stating that Chapel Road School had received "outstanding school" status from Ofsted for the last five years despite the building not being fit for purpose. He added that although Attleborough was the preferred location for the school, no suitable site had been identified. He added that the site at Old Buckenham had been identified as suitable and once the school was built it was hoped strong links with the village would be developed.

The school catered for pupils aged between 3 and 19 years of age who would benefit from being educated alongside their peers at the two nearby schools.

- 5.16 In response to questions from the Committee, the following points were noted:
- The Chair of Governors said that he had no opinion as to whether sprinklers should be installed. He added that sprinklers would protect the building, but he was confident that all the children could be taken to safety quickly in the event of a fire.
  - The design of the outside of the building had been at the discretion of the architects. Children's Services had specified the requirements for the inside of the building only.
- 5.17 Mr S Askew, County Councillor for Guiltcross Division which covered Old Buckenham, addressed the Committee as Local Member and reiterated that residents had reservations about the school due to the two existing schools at the site and the traffic

problems currently being experienced. He added that residents generally were happy with the development of the new school and the concerns that had been raised were about managing the traffic and the safety of pupils attending the existing schools. Members were urged to recognise the traffic issues when making their decision and he hoped that the concerns raised by residents would not be forgotten once the school was built.

5.18 In response to general questions from the Committee, the following points were noted:

- The Chairman would write to the schools concerned and the parish council, requesting that a meeting be arranged between the relevant parties to see if a solution could be found to the traffic issues.
- If the Committee approved the application, the Planning Services Manager would add an informative notice to the decision notice, recommending that a sprinkler system be considered to address fire safety issues.
- There were no grounds to add a condition regarding the opening times of the schools to allow for slightly staggered start and finish times. The Head of Place Planning and Organisation, Children's Services agreed to discuss travel plans with the Governing bodies.

5.19 With 12 votes in favour, 1 vote against and no abstentions, the Committee **RESOLVED** that the Interim Director of Environment, Transport and Development be authorised to, subject to no overriding objection from statutory consultees:

- i) Grant planning permission subject to the conditions outlined in section 12 of the report.
- ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.
- iii) Delegate powers to officers (after discussion with the Chairman and vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.

Mr M Baker left the meeting at 12 noon.

**6 C/3/2014/3008: Breckland District: Bittering Quarry, Reed Lane, Bittering, Dereham, Norfolk. NR19 2QS. Variation of conditions 1, 2, 15, 18 & 34 of Planning Permission C/3/2007/3044 to allow extraction until 31 December 2030 and restoration until 31 December 2032, with revised phasing and restoration: McLeod Aggregates Limited.**

6.1 The Committee received a report by the Interim Director of Environment, Transport and

Development setting out the planning application for which permission was sought to vary five conditions of planning permission reference C/3/2007/3044 to extend the time period for extraction of the remaining reserves of sand and gravel at the quarry and for completion of restoration until 31 December 2030 and 31 December 2032, respectively, together with a revised phasing and restoration scheme.

6.2 The following points were noted in response to questions from the Committee:

- The site operator would be expected to take appropriate measures to ensure all drivers entering and exiting the site complied with the Section 106 routing agreement.
- If permission was not granted for the extension, it could reduce the amount of minerals available in the landbank which would need to be found from other sites.
- The security at Longham Quarry, which also received inert waste, had been deemed satisfactory by the Environment Agency, who also regulated the site.

6.3 The 11 votes in favour, 1 vote against and 0 abstentions, the Committee **RESOLVED** that the Interim Director of Environment, Transport and Development be authorised to:

- i) Grant planning permission subject to a Section 106 Legal Agreement in respect of vehicle routing and the conditions outlined in section 12 of the committee report.
- ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.
- iii) Delegate powers to officers (after discussion with the Chairman and Vice-Chairman) to deal with any non-material amendments to the application that may be submitted.

The meeting ended at 12.35pm

#### CHAIRMAN



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**Development by the County Council: Breckland District Council  
Y/3/2014/3007 Various Amendments to Planning Permission  
Y/3/2011/3009 at Thetford Bus Interchange, St. Nicholas Street,  
Thetford, Norfolk.**

**Interim Director of Environment, Transport and Development**

**Report by the Interim Director of Environment, Transport and Development**

**Summary**

Planning permission is sought for various amendments to details of the previously approved planning application Y/3/2011/3009 for a new Bus Interchange at St Nicholas Street, Thetford and to regularise works that are currently taking place.

The changes comprise amendments to:-

- The toilet block.
- The path layout to the south of the listed building.
- The provision of a retaining wall on the east boundary of the site between the site and the retail units.
- Increase the concourse and pavement by 1.8 metres at the access with Minstergate.
- Provide 4 additional car parking spaces on Minstergate.
- Provide new boundary fencing between the additional car parking proposed on Minstergate and the site.
- Provide new boundary fencing along the London Road edge.
- Provide a ticket machine and accompanying information sign.
- The design of the bus shelters.
- The positioning of the bus shelter in bay 2.
- Provide a standard BT call box.
- Replace the proposed single column mounted CCTV with four fixed cameras.

The impacts of the proposal have been carefully considered. It is considered that the proposed development is in accordance with the development plan and national planning policy. The proposal is therefore considered to be acceptable subject to conditions and there are no issues of sufficient weight to justify a refusal. The application is on behalf of the Interim Director of Environment, Transport and Development; in accordance with the Council's Scheme of Delegation, the application is brought to the Planning (Regulatory) Committee for determination.

**Recommendation**

It is recommended that the Interim Director of Environment, Transport and Development be authorised to, subject to no overriding objection from statutory consultees:

- (i) Grant planning permission subject to the conditions outlined in section 12 of this report.
- (ii) Discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

## 1. The Proposal

- 1.1 Location :
  - The application site relates to a triangular shaped piece of land approximately 0.25 hectares bound by St Nicholas Street, London Road and Minstergate, in the town centre of Thetford.
  - A Listed Building is located to the northern boundary of the site adjacent St Nicholas Street/London Road. There are changes in levels within the site; levels fall away north/north east to south/south west.
- 1.2 The proposal is for :
  - Various amendments to the development of a 5no bay bus interchange including 5no bus shelters, street furniture; the erection of a single storey block consisting of an information point, toilets and store areas; the erection of a bike shelter; the repair of the adjacent Grade II Listed Building to enable its re-use to Use Classes B1a, D1 or D2; and formation of a car park.
  - The amendments relate to the toilet block, retaining wall, boundary fencing, 4 additional car parking spaces, disabled access, CCTV, a new ticket machine, a new BT call box, design & positioning of the bus shelters and revisions to the concourse and pavement.

## 2. Constraints

- 2.1 The application site is located within the defined settlement boundary, Thetford Town Centre and a Primary Shopping Area. The application site also lies within the Thetford Conservation Area and includes a Grade II Listed Building.

## 3. Planning History

- 3.1 **Y/3/2011/3009:** Thetford: New Bus Interchange and bus shelters, erection of single storey toilet block and store; repair and refurbishment of former carpet sales building including the change of use within Use Classes B1(a), D1, D2; formation of car parking provision and associated works (Listed Building within a Conservation Area).

## 4. Planning Policy

- 4.1 The National Planning Policy Framework (NPPF) :
  - Achieving Sustainable Development
  - 1. Building a strong, competitive economy
  - 2. Ensuring the vitality of town centres
  - 4. Promoting sustainable transport
  - 7. Requiring good design

		11. Conserving and enhancing the natural environment 10. Meeting the challenge of climate change 12. Conserving and enhancing the historic environment
4.2	Adopted Breckland Core Strategy and Development Control Policies Development Plan Document (December 2009)	: Policy CP10 Natural Environment Policy CP13 Accessibility Policy DC1 Protection of Amenity Policy DC9 Proposal for Town Centre Uses Policy DC12 Trees and Landscape Policy DC13 Flood Risk Policy DC16 Design Policy DC17 Historic Environment Policy DC19 Parking provision
4.3	Thetford Action Area Plan (TAAP) (2012)	Policy TH6 Thetford Bus Interchange Policy TH16 Water and Drainage Policy TH18 Archaeology
5.	<b>Consultations</b>	
5.1	Breckland Council: Planning Services, Development Control.	: No objection subject to conditions relating to contamination and remediation of the site and an informative on the same issue.
5.2	Breckland Council: Environmental Health Officer	: No objection.
5.3	Environment Agency – Planning and Groundwater & Contaminated Land	: No objection.
5.4	Highway Authority	: No objection.
5.5	Norfolk Historic Environment Service & Conservation (NCC)	: No objections subject to a condition regarding compliance with detail submitted to discharge the archaeological condition of the previous planning permission.
5.6	Ecology (NCC)	: No objections subject to an informative regarding bats and future provision of bat boxes.
5.7	Thetford Town Council	: No response received at the time of writing this report.
5.8	English Heritage	: No response received at the time of writing this report.
5.9	Local Flood Authority (NCC)	: No response received at the time of writing this report.
5.10	County Councillor: Mr Denis Melvin Crawford (Thetford – East)	: No response received at the time of writing this report.

Local Residents : No responses received at the time of writing this report.

## 6. **Assessment**

### **Proposal**

- 6.1 Planning permission is sought for various amendments to details of the previously approved planning application Y/3/2011/3009 for a new Bus Interchange at St Nicholas Street, Thetford.

The changes comprise amendments to:-

- The toilet block. The Applicant is seeking to increase the toilet provision to one extra WC by creating separate male and female WC's which will not increase the footprint of the building nor will it create any further openings for doors. This has been achieved by combining the cleaner's cupboard and general store in to one room. This will change the west elevation very slightly as the door positions move to reflect the new internal layout. The disabled WC provision remains unchanged.
- The path layout to the south of the listed building. The Applicant wishes to remove the two steps proposed and replace with a suitable gradient slope and ramp to improve access for wheel chair and push chair users.
- The east boundary of the site between the site and the retail units. The Applicant would like to replace the existing poorly maintained close board fencing with a brick build retaining wall capable of taking the increased loading of bus traffic.
- The access to the site at Minstergate. The Applicant is seeking to increase the length of the concourse and pavement by 1.8m. As part of the original approved application the highway at the site access with Minstergate will be narrowed to make the entrance a bus-only lane. This narrowing has meant that the bus station concourse, pavement and the wall adjacent to London Road can be lengthened by 1.8m to cater for this.
- Provide 4 additional car parking spaces on Minstergate which will be leased to residents.
- The existing boundary fencing between the 4 additional car parking spaces being proposed and the site which is currently 2.4 metre high brick wall would be replaced with a 950mm brick wall with a 1.5m high metal railing fence over. This would provide improved visual surveillance to the cars parked in the spaces.
- The north west site boundary along the London Road. A new fence is being proposed to match the fencing used extensively in Thetford this would discourage people taking short cuts across the grass into the interchange.
- Provide a ticket machine and accompanying information sign in the southern part of the site.

- The design of the bus shelters. The Applicant wishes to re-consider the design of the approved bus shelters. The reason for this given is that they would like to choose a design which is more appropriate to the status of town bus interchange.
- The positioning of the bus shelters. In order to increase access for disabled bus travellers, National Express coaches now incorporate a built-in 'drop down' ramp. This ramp would extend into the bus shelter at the boarding point. In order to avoid this clash, the applicant is seeking to re-position Bay 2 by moving the bus shelter away from the kerb edge. As the pavement is narrow at this point, the bus shelter will be placed against the retaining wall and will be a cantilever type to keep the pavement as clear as possible.
- Provide a standard BT call box to enable travellers to communicate if they have no mobile phone or there is no mobile phone signal.
- The CCTV provision on the site by replacing the proposed single column mounted pan, zoom and tilt dome camera fitted on a 6 metre pole with four fixed cameras.

## **Site**

- 6.2 The application site relates to a triangular shaped piece of land approximately 0.25 hectares bound by St Nicholas Street, London Road and Minstergate, in the town centre of Thetford. A Listed Building is located to the northern boundary of the site adjacent St Nicholas Street/London Road. There are changes in levels within the site; levels fall away north/north east to south/south west.

## **Principle of Development**

- 6.3 A basic principle when assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:

*“if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.*

- 6.4 In terms of the development plan, the County Planning Authority considers the relevant documents, in relation to this application are the Adopted Breckland Core Strategy and Development Control Policies Development Plan Document (December 2009) and the Thetford Action Area Plan (TAAP) (2012). In addition, national planning policy in the form of the National Planning Policy Framework (NPPF) (2012) is another material consideration and also needs to be considered in determining this planning application.
- 6.5 The principle of the site being used as a bus interchange was deemed acceptable when permission was granted by the Planning (Regulatory) Committee in 2012 for the previous application reference Y/3/2011/3009. A copy of the previous committee paper is attached to this report in Appendix 1.



- 6.6 The focus of this application is on the amendments being proposed, Officers have therefore given consideration to whether the amendments are acceptable in planning terms rather than the principle of the bus interchange which has already been approved.
- 6.7 The Applicant has already started the development on site without discharging many of the pre-commencement conditions of the extant permission. This application seeks to regularise this situation.
- 6.8 The conditions yet to be discharged required the Applicant to submit the following:
- The components of the scheme to deal with the risks associated with contamination on site.
  - A verification report demonstrating completion of the works set out in the approved remediation strategy.
  - Site investigation (contamination) report, a remediation scheme, details of the implementation of the approved remediation scheme.
  - Details of Wheel Cleaning facilities for construction vehicles.
  - Details of the mitigation; enhancement and monitoring strategy for the listed building.
  - Details of the ground preparation, top soiling and planting specifications.

Also the Applicant has not satisfied the requirement to submit within 3 months of the date of the permission details of the street furniture to be used which is a requirement of the permission.

- 6.9 Should members be minded to approve this application the permission would effectively replace the extant consent and allow the situation to be regularised. The conditions of the new permission i.e. those being suggested in section 12 have been worded to allow the Applicant 3 months to submit the details required as pre-commencement on the extant permission.

### **Design & Visual Amenity**

- 6.10 Policy DC 16 “Design” of Breckland Council’s Core Strategy states that all new development should achieve the highest standards of design. Section 7 of the NPPF “Requiring good design” specifies that the Government attaches great importance to the design of the built environment.

- 6.11 Looking at each of the amendments being proposed in turn Officers conclude:

Toilet block – The proposal will only alter the external appearance by moving one door very slightly. Officers consider that the change will have no impact on the visual amenity of the locality.

Path layout – Officers consider that the impact of removal of the steps and

replacement with ramps, suitable gradient slopes and hand rail will have no real impact on the design or visual amenity of the locality.

New retaining brick built wall – Officers consider that the design of the wall is acceptable in this location subject to a condition relating to the choice of materials for the railings.

Increase concourse and pavement by 1.8m – Officers consider that the alteration would be of benefit and provide a more coherent approach to the site from Minstergate.

Provision of 4 additional car parking spaces on Minstergate – Officers consider that provision of the 4 additional parking spaces will have minimal impact on the locality.

Revision to all boundary fencing – Officers consider that the provision of the boundary fencing is acceptable in this location subject to a condition relating to the choice of materials.

Design of the bus shelters – Officers consider that the Applicant should be allowed to re-consider the design of the shelters subject to a condition requiring the Applicant to submit precise details of the bus shelters to the planning authority for written approval prior to final selection.

Re-positioning of the bus shelter at Bay 2 – Officers consider that the repositioning of the shelter will have no real impact on the design or visual amenity of the locality and would improve accessibility for people using the facility as such the amendment is considered acceptable.

New BT call box – Officers consider that provision of a call box on the site to be acceptable. Subject to a condition requiring the Applicant to submit precise details of the call box to the planning authority for written approval prior to final selection.

CCTV provision – Officers consider that the revision proposed will have a minimal impact on the locality.

New ticket machine – Officers consider that provision of a new ticket machine on the site to be acceptable. Subject to a condition requiring the Applicant to submit precise details of the ticket machine to the planning authority for written approval prior to final selection.

- 6.12 The design and layout of the proposed amendments are considered acceptable subject to the conditions specified. The proposals will not have a detrimental on visual amenity, in accordance with Policy DC16 of the Breckland Core Strategy and Development Control Policies (2009) and section 7 of the NPPF (2012).

### **Amenity**

- 6.13 Policy DC 1 “Protection of Amenity” of Breckland’s Core Strategy states that development will not be permitted where there are unacceptable effects on the amenities of the area or the residential amenity of neighbouring occupants, or future occupants of the development site.

- 6.14 Whilst there are a mix of uses surrounding the site, the nearest residential property to this development is no 4 Minstergate which is owned by Norfolk County Council and currently unoccupied. The curtilage of the property is approximately 4.2m (0.8m to the nearest point) to the boundary of the application site, where a bus bay is proposed. Residential properties are also located at Water Lane to the north of the site, Bidwell Court to the eastern boundary, St Nicholas House to the south and Minstergate to the western boundary.
- 6.15 On balance, it is considered that the proposed variations to the previously approved scheme would not have an unacceptable impact on the amenity of residents nearby residential occupiers, broadly in accordance with Policy DC1 of the Policy DC16 of the Breckland Core Strategy and Development Control Policies (2009).
- 6.16 Officers considered that there is sufficient boundary treatments proposed between the site and sensitive receptors to prevent any loss of amenity from noise or lighting. Therefore the proposal is compliant with DC 1 "Protection of Amenity" of Breckland Council's Core Strategy subject to appropriate conditions.

#### **Impact on Listed Building**

- 6.17 The Applicant states that the listed building will be restored as originally approved and that this will be dealt with by applying for listed building consent application when all repair works have been agreed with the Historic Building Consultant. The various amendments being proposed do not relate directly to the Grade II Listed Building.
- 6.18 Therefore it is considered that the proposed amendments will not have a detrimental impact on the setting of the Grade II Listed Building which in fact will be preserved and enhanced as a result of the original scheme. Therefore the proposals are considered to be in accordance with Policies DC16 and DC17 of the Breckland Core Strategy and Development Control Policies (2009) and section 12 of the NPPF (2012).

#### **Impact on the character and appearance of the Conservation Area**

- 6.19 The application site lies within the Thetford Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires that when exercising its planning functions, Local Planning Authorities should pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 6.20 Policy DC17 of the Core Strategy is relevant as the Council has a duty to pay special attention to the preservation and enhancement of the Conservation Area. The principle of this policy is reiterated in Section 12 of the NPPF. Policy DC16 of the Core Strategy regarding high standards of design is also relevant.
- 6.21 In granting consent for the bus interchange Officers previously considered that the development would preserve and enhance the character and appearance of the Conservation Area in which it lies subject to conditions relating to the choice of materials, in accordance with Policies DC16 and DC17 of the Breckland Core Strategy and Development Control Policies (2009) and section 12 of the NPPF

(2012). Officers now consider that the proposed amendments would not have a negative impact on the original appraisal and conclude that the revised proposal would still preserve and enhance the character and appearance of the Conservation Area in which it lies. Subject to imposition of the conditions relating to the choice of materials. To provide further confidence in the choice of materials and the design the Applicant has constructed a one metre square sample of flint work for the new public toilet block to the satisfaction of the County Planning Authority and the Historic Buildings Officer at Breckland Council. This can now be used to ensure a consistent standard of development.

### **Archaeology**

- 6.22 Policy DC17 of the Core Strategy seeks to protect, enhance and preserve sites of archaeological interest. Policy TH18 of the TAAP reiterates the same overall principles of the above policy.
- 6.23 In accordance with the requirements of pre-commencement conditions 3 & 4 of planning permission Y/3/2011/3007 the Applicant has previously submitted details of a programme of archaeological mitigatory and a programme of historic building recording to the satisfaction of the Council's Archaeologist to discharge the conditions. The Archaeologist is satisfied that there is no need for a further condition on the amendments contained in this application.
- 6.24 It is therefore considered that the proposed development will not have an unacceptable impact on the archaeological site of interest, in accordance with Policy DC17 of the Breckland Core Strategy and Development Control Policies (2009), Policy TH18 of the Thetford Area Action Plan (TAAP) (2012) and section 12 of the NPPF (2012).

### **Highway/Traffic**

- 6.25 The amendments being proposed that require consideration in highways terms relate to the increase concourse and pavement by 1.8m, the provision of 4 additional car parking spaces on Minstergate and the design & positioning of the bus shelters. The Highway Authority have considered the amendments and raise no objection on highway safety terms. Therefore Officers consider that the proposal will not have a detrimental impact on highway/pedestrian safety or the wider highway network, in accordance with Policies CP13 and DC19 of Breckland's Core Strategy and Development Control Policies (2009), Policy TH6 of the Thetford Area Action Plan (TAAP) (2012) and section 4 of the NPPF (2012).

### **Landscape & Trees**

- 6.26 There is only one potential for impact on trees as a result of the amendments being proposed and that is to a hawthorn tree on London Road (T3398). This tree would now require tree protection during the construction of the new boundary fence along London Road. Protection of this tree has been proposed by the Applicant as well as the requirement for the contractor to liaise with the Arboriculturist before digging the footings for the new fence.
- 6.27 The Applicant has also stated that the service road off St. Nicholas Street will now be used for deliveries instead of Minstergate as originally intended. This

change means that it is now unlikely that the trees on Minstergate will be at risk from any activities arising from this development.

- 6.28 It is therefore considered that the proposed amendments will not have a detrimental on the trees/landscaping of this immediate area in accordance with Policy DC12 of the Breckland Core Strategy and Development Control Policies (2009) and section 11 of the NPPF (2012) providing the measures being proposed are secured through condition.

### **Ecology/Nature Conservation**

- 6.29 The aim of Policy CP10 of the Core Strategy is to protect and enhance where possible the natural environment.
- 6.30 Section 11, para 118 of the NPPF sets out principles which Local Planning Authorities should apply in reaching decisions with the aim to conserve and/or enhance biodiversity when determining planning applications.
- 6.31 The Council's Ecologist has not raised an objection to the proposed amendments and is satisfied with the findings of the ecology survey carried out by the Ecology Consultancy and submitted in support of the amendments.
- 6.32 The Council's Ecologist in accordance with the details contained in the Bat Mitigation Strategy submitted as part of the application requests an informative to advise the Applicant in the event of evidence of bats being found on site during construction. The Bat Mitigation Strategy also recommends that 2 bat boxes are fitted to the south gable wall of the Listed Building on completion of the works and that a minimum of 2 integral swift boxes should be fitted during the repair work. The County Ecologist agrees with the findings of the mitigation strategy and requests that work proceeds in accordance with the strategy.
- 6.33 The Applicant has provided a late submission which details the positioning and design of the Bat and Swift Boxes. These details were forwarded to the County Ecologist and Breckland Council's Historic Buildings Officer for comment. The Historic Buildings Officer raised no objections. The County Ecologist has requested that two further swift boxes are included in the scheme as this would provide real enhancements for biodiversity during the restoration work.
- 6.34 It is considered that the development if carried out in accordance with the Bat Mitigation Strategy would not have a significant impact on any designated site or protected species, in accordance with Policy CP10 of the Breckland Core Strategy and Development Control Policies (2009) and section 11 of the NPPF (2012). Officers have suggested a condition which requires details of the bat boxes and swift boxes to be submitted to and approved in writing by the County Planning Authority. The late submission could remove the requirement for this condition. Officers will update Members verbally in respect of the appropriateness of the precise details of the positioning and design of the bat and swift boxes when the responses from stakeholders have been received.

### **Flood Risk**

- 6.35 Policy DC13 of the Core Strategy states that new development should be located in areas at least risk of flooding and expected to minimise flood risk.

- 6.36 Policy TH16 of the TAAP encourages new development to seek opportunities to reduce the causes and impact of flooding. The same principles as above are echoed in section 10 of the NPPF.
- 6.37 A small area of the application site near the access point on the north/western boundary lies within Flood Zone 2 according to the Environment Agency flood maps. The Applicant was not requested to submit a revised Flood Risk Assessment as part of this application. A Flood Risk Assessment was prepared by JPC Environmental Services and submitted in support of the previous application. The assessment concluded that due to the levels within the site there is little chance that flood water will encroach significantly onto the site and that the remainder of the site is likely to remain in Flood Zone 1 even when taking climate change into account.
- 6.38 The Environment Agency in their consultation response does not raise an objection regarding Flood Risk. Officers consider that the proposed amendments would not lead to an increased risk of flooding on the site or the surrounding area.
- 6.39 It is considered that the proposed amendments will not increase the risk of flooding or give rise to drainage issues, in accordance with Policy DC13 of the Breckland Core Strategy and Development Control Policies (2009), Policy TH16 of the Thetford Area Action Plan (TAAP) (2012) and section 10 of the NPPF (2012).

#### **Response to the representation received**

- 6.40 The application was advertised by means of neighbour notification letters, site notices and an advertisement in the local newspaper.

There were no letters of objection or support received from neighbours.

### **7. Resource Implications**

- 7.1. **Finance** : The development has no financial implications from the Planning Regulatory perspective
- 7.2 **Staff** : The development has no staffing implications from the Planning Regulatory perspective
- 7.3 **Property** : The development has no property implication from the Planning Regulatory perspective.
- 7.4 **IT** : The development has no IT implications from the Planning Regulatory perspective.

### **8. Other Implications**

- 8.1 **Legal Implications** : There are no legal implications from the Planning Regulatory perspective.
- 8.2 **Appropriate Assessment**

- 8.3 In accordance with Article 61 of The Conservation of Habitats and Species Regulations 2010, an Appropriate Assessment is not considered necessary because the proposal is considered very unlikely to have a significant effect on a European designated site or species.
- 8.4 **Human Rights**
- 8.5 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.
- 8.6 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.
- 8.7 The human rights of the owners of the application site may be engaged under the First Protocol Article 1 that is the right to make use of their land. An approval of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.
- 8.8 **Equality Impact Assessment (EqIA)**
- 8.9 The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.
- 8.10 **Communications** : There are no communication issues from a planning perspective.
- 8.11 **Health and Safety Implications** : There are no health and safety implications from a planning perspective.
- 8.12 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.
- 9 **Section 17 – Crime and Disorder Act**
- 9.1 It is not considered that the implementation of the proposal would generate any issues of crime and disorder, and there have been no such matters raised during the consideration of the application.
- 10 **Risk Implications/Assessment**
- 10.1 There are no risk issues from a planning perspective.
11. **Conclusion and Reasons for Grant of Planning Permission**

- 11.1 The proposed development accords with the relevant national and local planning policies mentioned above and it is considered that the proposal will not result in a detrimental impact on design, amenity, the Conservation Area in which it lies, the Grade II Listed Building within the site, highway/pedestrian safety, archaeology, trees/landscaping or ecology.

## 12. **Conditions**

- 12.1 It is recommended that the Director of Environment, Transport and Development be authorised to grant planning permission subject to the following conditions:

- 12.2 1. The development must be carried out in strict accordance with the application form, plans and documents as submitted.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Notwithstanding the approved plans, within 3 months of the date of this permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent pollution of controlled waters in accordance with Policy CP9 of the Breckland Core Strategy and Development Control Policies (2009), section 11 of the NPPF (2012) and the Environment Agency's Groundwater Protection: Principles and



Practice (GP3) position statements.

3. Notwithstanding the approved plans, within 3 months of the date of this permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent pollution of controlled waters in accordance with Policy CP9 of the Breckland Core Strategy and Development Control Policies (2009), section 11 of the NPPF (2012) and the Environment Agency's Groundwater Protection: Principles and Practice (GP3) position statements.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent pollution of controlled waters in accordance with Policy CP9 of the Breckland Core Strategy and Development Control Policies (2009), section 11 of the NPPF (2012) and the Environment Agency's Groundwater Protection: Principles and Practice (GP3) position statements.

5. Unless otherwise agreed in writing, the following details shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission of the development hereby approved:

**A. Site Investigation**

A site investigation and risk assessment to determine the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include: (i) a survey of the ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

**B. Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health,

buildings and other property and the natural and historical environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### **C. Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy CP9 of the Breckland Core Strategy and Development Control Policies (2009), section 11 of the NPPF (2012)

6. Prior to the commencement of the use hereby permitted the proposed access / on-site car and cycle parking / servicing / loading, unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan (Drawing No: (90) LP03 Rev I) and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety, in accordance with Policies CP13 and DC19 of the Breckland Core Strategy and Development Control Policies (2009), Policy TH6 of the Thetford Area Action Plan (TAAP) (2012) and section 4 of the NPPF (2012).

7. Within 1 month of the date of this permission details of the Wheel Cleaning facilities for construction vehicles shall be submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority.

Reason: To prevent extraneous material being deposited on the highway.

8. For the duration of the construction period, all traffic associated with the construction of the development permitted will use the approved Wheel

Cleaning facilities provided referred to in condition 7.

Reason: To prevent extraneous material being deposited on the highway.

9. Prior to the commencement of the use hereby permitted the off-site highway improvements works referred to in drawings; London Road / Saint Nicholas Street, Junction Improvement, Engineering Layout; PC2035-MP-203A dated 10/13, Thetford Bus Station Improvement Scheme Bus Station Access Road Markings and Signage Plan; PC2035-MP-404; dated 04/14, Traffic Signal Layout London Road / Saint Nicholas Street Proposed Traffic Signal Junction Modifications; PC2035-TS-001 rev B; dated 10/13 & Thetford Bus Station Improvement Scheme Bus Station Access Engineering Layout Plan; PC2035-MP-403 dated 04/14 shall be completed to the written satisfaction of the County Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed, in accordance with Policies CP13 and DC19 of the Breckland Core Strategy and Development Control Policies (2009), Policy TH6 of the Thetford Area Action Plan (TAAP) (2012) and section 4 of the NPPF (2012).

10. Notwithstanding the approved plans, within 3 months of the date of this permission, the brick type, bond, and coping detail of the proposed wall adjacent London Road shall be submitted to and agreed in writing by the County Planning Authority in consultation with Breckland Council. Only such agreed materials shall be used in connection with this approval. The development shall then be constructed and retained in accordance with the approved details.

Reason: In the interests of the satisfactory appearance of the development, in accordance with Policies DC16 and DC17 of the Breckland Core Strategy and Development Control Policies (2009) and section 12 of the NPPF (2012).

11. Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the County Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: The site is potentially contaminated and intrusive foundation solutions could lead to the contamination of groundwater in the underlying aquifer, in accordance with Policy CP9 of the Breckland Core Strategy and Development Control Policies (2009) and section 11 of the NPPF (2012).

12. Notwithstanding the approved plans, within 3 months of the date of this permission a detailed mitigation; enhancement and monitoring strategy for works to the Listed Building (former warehouse) within the application shall be submitted to and approved in writing by the County Planning Authority. Details shall include the work specifications for works to the areas with bat potential, specific mitigation and monitoring measures for all legally protected species with the potential to be impacted upon by the

development and biodiversity enhancements such as bat boxes and/or bat bricks. The development shall be carried out in accordance with approved details and an approved timetable and shall thereafter be maintained throughout the lifetime of the development.

Reason: To ensure the protection of ecological assets and Policy CP10 of the Breckland Core Strategy and Development Control Policies (2009) and section 11 of the NPPF (2012).

13. The Listed Building shown on the approved plans shall be used for no other purpose than within Classes B1(a), D1 or D2 as defined by the Town and Country Planning (Use Classes) (England) Order 1987 (or any order revoking, re-enacting or modifying that Order) unless otherwise agreed with the County Planning Authority.

Reason: To control possible future development which would otherwise be permitted but which may have a detrimental effect on residential amenity and/or the streetscene, in accordance with Policy CP7 of the Breckland Core Strategy and Development Control Policies (2009), Policy TH2 of the Thetford Area Action Plan (TAAP) (2012) and section 2 of the NPPF (2012).

14. Notwithstanding the approved plans, within 3 months of the date of this permission, details of the ground preparation, top soiling and planting specifications shall be submitted to, and approved in writing by, the County Planning Authority. The landscaping scheme shall be implemented within the first planting season (October to March), following the completion of the development. Any plants which, within a period of five years from the completion of the planting die, are removed or become seriously damaged or diseased, shall be replaced with others of a similar size and species. All planting shall be retained for a period of five years after initial planting has been completed and any trees and shrubs which are substantially damaged, seriously diseased or die, shall be replaced within twelve months of removal or death, with plants of a similar species and size.

Reason: To ensure the satisfactory appearance of the development, in accordance with Policy DC12 of the Breckland Core Strategy and Development Control Policies (2009) and section 11 of the NPPF (2012).

15. Notwithstanding the approved plans, within 3 months of the date of this permission, details of the street furniture including shall be submitted to and approved in writing by the County Planning Authority. The approved street furniture shall be installed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development, in accordance with Policy DC12 of the Breckland Core Strategy and Development Control Policies (2009) and section 11 of the NPPF (2012).

16. No construction work including deliveries and collections associated with the development shall take place on Sundays or Bank Holidays or outside of the following times:

Monday to Friday 07:30 to 18:00

Reason: In the interests of residential amenity, in accordance with Policy DC1 of the Breckland Core Strategy and Development Control Policies (2009).

17. Notwithstanding the approved plans, within 3 months of the date of this permission, details of the bus shelters, boundary fencing/railings, BT call box & the ticket machine shall be submitted to and approved in writing by the County Planning Authority. The approved items shall be installed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development, in accordance with Policy DC12 of the Breckland Core Strategy and Development Control Policies (2009) and section 11 of the NPPF (2012).

18. Notwithstanding the approved plans, within 1 month of the date of this permission, the applicant shall ensure that:

a) each tree within the vicinity of the works shall be enclosed within a protective fence in accordance with the criteria laid down in BS 5837: 'Trees in Relation to Construction' and as detailed in the 'Guidelines of the National Joint Utilities Group', for the period whilst works are in progress. Such protection shall include, as necessary, trial hand digging to assess the spread of tree roots within the site and be carried out in liaison with, and to the written approval of, the County Planning Authority, shall;

b) any excavations carried out within the vicinity of the tree roots shall be carried out by hand.

Reason: To ensure the protection of existing trees in the interest of the amenities of the area.

19. Prior to the commencement of the use hereby permitted, details of the bat boxes and swift boxes shall be submitted to and approved in writing by the County Planning Authority. The approved items shall be installed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development, in accordance with Policy DC12 of the Breckland Core Strategy and Development Control Policies (2009) and section 11 of the NPPF (2012).

20. The development should be carried out in accordance with the written scheme of investigation titled Archaeological excavation and watching brief, Written Scheme of Investigation, 01-04-15-2-1007, prepared by NPS Archaeology, dated February 2014, which was submitted to and approved in writing by the County Planning Authority in discharging condition 3 of permission Y/3/2011/3009. The mitigation work in accordance with the written scheme shall include post excavation assessment, analysis, archiving and publication of the results to the satisfaction of the County Planning Authority.

Reason: To provide for the planning programming of archaeological

observations, to ensure the assessment of the value of any archaeological remains, in accordance with Policy DC17 of the Breckland Core Strategy and Development Control Policies (2009), Policy TH18 of the Thetford Area Action Plan (TAAP) (2012) and section 12 of the NPPF (2012).

## Recommendation

It is recommended that the Interim Director of Environment, Transport and Development be authorised to, subject to no overriding objection from statutory consultees:

- (i) Grant planning permission subject to the conditions outlined in section 12.
- (ii) Discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

## Background Papers

The National Planning Policy Framework (NPPF) (2012):

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Breckland Council, Adopted Core Strategy and Development Control Policies Development Plan Document (2009):

<http://www.breckland.gov.uk/content/document-library-publications>

Thetford Action Area Plan (TAAP) (2012)

<http://www.breckland.gov.uk/content/document-library-publications>

Appendix 1 Planning (Regulatory) Committee paper for 27 July 2012 for application Y/3/2011/3009 Thetford: New Bus Interchange and bus shelters, erection of single storey toilet block and store; repair and refurbishment of former carpet sales building including the change of use within Use Classes B1(a), D1, D2; formation of car parking provision and associated works (Listed Building within a Conservation Area).

[http://www.norfolk.gov.uk/Council\\_and\\_democracy/Your\\_Council/Committees/Committees\\_Archive/index.htm](http://www.norfolk.gov.uk/Council_and_democracy/Your_Council/Committees/Committees_Archive/index.htm)

## Officer Contact

If you have any questions about matters contained in this paper please get in touch with:

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If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 and ask for Neil Campbell or textphone 0344 800 8011 and we will do our best to help.

**Development by the County Council**  
**Applications Referred to Committee for Determination**  
**Breckland**

**Application Y/3/2011/3009: Thetford: New Bus Interchange and bus shelters, erection of single storey toilet block and store; repair and refurbishment of former carpet sales building including the change of use within Use Classes B1(a), D1, D2; formation of car parking provision and associated works (Listed Building within a Conservation Area)**

**Director of Environment, Transport and Development**

Report by the Director of Environment, Transport and Development

**Summary**

Planning permission is sought for a new bus interchange and bus shelters, the erection of a single storey toilet block and store, the repair/refurbishment of the former Cosy Carpets Listed Building including the change of use within classes B1(a) Business (offices) , D1 Non-Residential Institutions and D2 Assembly and Leisure and the formation of car parking provision at land adjacent to St Nicholas Street, London Road and Minsteragte.

The application site lies with the Thetford Town Centre, a Primary Shopping Area, Thetford Conservation Area and includes a Grade II Listed Building.

Great emphasis is placed on the urban expansion of Thetford in a way that benefits Thetford and its adjoining communities. The development of this allocated site accords with the relevant planning policies and is significant to aid the delivery of the wider vision for growth and regeneration of Thetford, in providing opportunities for improving interchange facilities required to strengthen public transport links, revitalising the town centre and providing opportunities for retail, commercial and other activities and preserving and enhancing the historic environment.

The works to the Listed Building require Listed Building Consent for which a separate application is currently with the National Planning Casework Unit for determination.

The application is submitted on behalf of the Director of Environment, Transport and Development and in accordance with the Council's Scheme of Delegation brought to the Planning (Regulatory) Committee for determination.

**Recommendation**

It is recommended that the Director of Environment, Transport and Development be authorised to:

- (i) Grant planning permission subject to the conditions outlined in section 11.
- (ii) To discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.



## 1. The Proposal

- 1.1 The proposal is for :
- The development of a 5no bay bus interchange including 5no bus shelters and street furniture;
  - The erection of a single storey block consisting of an information point, toilets and store areas;
  - The erection of a bike shelter;
  - The repair of the adjacent Grade II Listed Building to enable its re-use to Use Classes B1a, D1 or D2; and
  - Formation of a car park

## 2. Constraints

- 2.1 The application site is located within the defined settlement boundary, Thetford Town Centre and a Primary Shopping Area. The application site also lies within the Thetford Conservation Area and includes a Grade II Listed Building.

## 3. Planning History

- 3.1 There is no relevant planning history of the site held by the County Council.

## 4. Planning Policy

- 4.1 The National Planning Policy Framework (NPPF) :
- Achieving Sustainable Development
  - 1. Building a strong, competitive economy
  - 2. Ensuring the vitality of town centres
  - 4. Promoting sustainable transport
  - 7. Requiring good design
  - 8. Promoting healthy communities
  - 10. Meeting the challenge of climate change
  - 11. Conserving and enhancing the natural environment
  - 12. Conserving and enhancing the historic environment
- 4.2 The Regional Spatial Strategy: The East of England Plan (2008) :
- Policy SS1 Achieving Sustainable Development
  - Policy SS2 Overall Spatial Strategy
  - Policy SS3 Key Centres for Development and Change
  - Policy ENV3 Biodiversity and Earth Heritage
  - Policy ENV6 The Historic Environment
- 4.3 Breckland Core Strategy and Development Control Policies 2009 :
- Policy SS1 Spatial Strategy
  - Policy CP7 Town Centres
  - Policy CP9 Pollution and Waste
  - Policy CP10 Natural Environment
  - Policy CP11 Protection and Enhancement of the Landscape
  - Policy CP13 Accessibility
  - Policy DC1 Protection of Amenity
  - Policy DC9 Proposal for Town Centre Uses

		Policy DC13 Flood Risk Policy DC16 Design Policy DC17 Historic Environment Policy DC18 Community Facilities, recreation and leisure Policy DC19 Parking provision
4.4	Thetford Action Area Plan (TAAP) (2012)	Policy TH1 National Planning Policy Framework – Presumption in Favour of Sustainable Development Policy TH2 Approach to the Town Centre Policy TH3 New Retail Development Policy TH6 Thetford Bus Interchange Policy TH16 Water and Drainage Policy TH18 Archaeology Policy TH39 Thetford Settlement Boundary
5.	<b>Consultations</b>	
5.1	Breckland Council	: No objections. Make comments in relation to land contamination, drainage, the restriction of uses of the Cosy Carpets building, the blank wall of the proposed toilet block building, the proximity of the bus lay-by to residential property, whether the provision of two toilets is sufficient and the potential conflict in vehicular movements
5.2	Thetford Town Council	: Object to the relocation of the bus station and raise concerns regarding the potential pedestrian/bus conflict. If planning permission is granted, the Town Council would like consideration to be given to the inclusion of a raise crossing on Minstergate with pedestrian priority.
5.3	EHO	: Have concerns regarding noise and recommend conditions regarding buses idling, boundary treatments, lighting and noise are imposed on any grant of planning permission.
5.4	Highway Authority	: No objections subject to conditions regarding the delineation, levelling, surfacing and draining of the access, parking provision, servicing, unloading/loading, turning and waiting areas; wheel cleaning facilities for construction vehicles; and details of the off-site highway improvement works on any grant of planning permission. Informatives are recommended regarding the carrying out of works within the highway and public utility apparatus that maybe affected by the proposal.
5.5	Highway Agency	: No objection.

- |      |                                     |   |
|------|-------------------------------------|---|
| 5.6  | Environment Agency                  | : No objections subject to conditions regarding land contamination, type of foundation methods and drainage be attached to any grant of planning permission.  |
| 5.7  | English Heritage                    | : Welcomes the proposal to repair/refurbish the Listed Building and recommends conditions regarding a sample panel of flint wall, details of brick type/bond and lighting columns be imposed on any grant of planning permission.   |
| 5.8  | Natural England                     | : No objections to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites. It is also recommended that appropriate conditions regarding bats should be imposed on any grant of planning permission. |
| 5.9  | UK Powers Network                   | : No objections.  |
| 5.10 | Historic Environment Service (NCC)  | : No objections subject to conditions regarding a programme of archaeological works been imposed on any grant of planning permission.   |
| 5.11 | Trees (NCC)                         | : No objections providing the development if approved is carried out in accordance with the submitted Arboricultural Implications Assessment (AIA), Method Statement and Tree Protection Plan.  |
| 5.12 | Landscape (NCC)                     | : No objections subject to conditions regarding details of planting/specifications and aftercare be attached to any grant of planning permission.   |
| 5.13 | Ecology (NCC)                       | : No objections subject conditions regarding bats, nesting birds, site clearance and enhancements for biodiversity imposed on any grant of planning permission.   |
| 5.14 | County Councillor Mrs Chapman-Allen | : No response received at the time of writing this report.  |
| 5.15 | Local Residents                     | 8 letters of objection have been received from local residents, including 4 separate letters from the same household. The issues raised are detailed in the main body of this report.   |

## 6. **Assessment**

### 6.1 **Proposal**

6.2 Planning permission is sought for a new five bay bus interchange and bus shelters, the erection of a single storey toilet block and store, the repair/refurbishment of the former Cosy Carpets Listed Building including the change of use within classes B1(a), D1 and D2 and car parking provision.

### 6.3 **Site**

- 6.4 The application site relates to a triangular shaped piece of land approximately 0.25 hectares bound by St Nicholas Street, London Road and Minstergate, in the town centre of Thetford. The site forms part of an unused area of land which is partially overgrown and bound by fencing. A Listed Building is located to the northern boundary of the site adjacent St Nicholas Street/London Road. There are changes in levels within the site; levels fall away north/north east to south/south west.
- 6.5 The application site is surrounded by a mixture of uses. To the northern boundary are residential dwellings; to the eastern boundary is a car park, residential properties and office accommodation. The southern and western boundaries are a mixture of residential properties, retail, commercial premises and car parking provision.
- 6.6 Vehicular and pedestrian access is via St Nicholas Street with parking and turning provision within the site. There is also a pedestrian access off Minstergate.
- 6.7 **Principle of Development**
- 6.8 A basic principle when assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:
- “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.*
- 6.9 In terms of the development plan, the County Planning Authority considers the relevant documents, in relation to this application are, the Breckland Core Strategy and Development Control Policies (2009), the recently adopted Thetford Area Action Plan (TAAP) (2012) and The Regional Spatial Strategy: The East of England Plan (2008). In addition, national planning policy in the form of the National Planning Policy Framework (NPPF) (2012) is an other material consideration and also needs to be considered in determining this planning application.
- 6.10 Policy SS1 of the Core Strategy identifies Thetford as a key centre for development and change as well as the principle retail, service and employment centre. As part of the vision and objective for the growth of Thetford, the town centre will be the subject of major regeneration including expanded retail, leisure, cultural and educational facilities. Policy SS3 of the RSS also identifies Thetford as a key centre for development and change encouraging development to be concentrated in the area. Policies SS1 and SS2 of the RSS seeks to bring about sustainable development directing strategically significant growth to the regions urban areas.
- 6.12 To improve choice of travel and to ensure safe access to developments on foot and by bicycle, Policy CP13 of the Core Strategy promotes accessibility improvements; these include the development of cycle and pathway networks and improvements to public transport network and essential infrastructure.
- 6.13 Policy DC18 of the Core Strategy supports proposals such as community, recreation and leisure facilities within areas of development and change such as Thetford. The policy also protects key services such as bus interchanges

from development which will result in the loss of that service/facility unless an alternative provision is provided; reasonable efforts have been made to preserve the existing service/facility; or the service/facility is in a unsustainable location.

- 6.14 In the aspirations to improve the bus station facilities in Thetford the application site is allocated on the Proposals Map of the TAAP. Policy TH6 of the TAAP supports the development of this site for a bus interchange and the repair/refurbishment of the Listed Building to enable it to be brought back into use.
- 6.15 Section 1 of the NPPF places emphasis on sustainable economic growth. Para 21 states ...planning policies should recognise and seek to address potential barriers to investment, including poor environment or any lack of infrastructure, services or housing...local planning authorities should ...identify priority areas for economic regeneration, infrastructure provision and environmental enhancement...'
- 6.16 Para 70, section 8 of the NPPF, places emphasis on the delivery of services the community needs. It encourages the provision of local services to enhance the sustainability of communities, seeks to ensure that established services/facilities are able to develop and seeks to protect the un-necessary loss of values services/facilities.
- 6.17 The application site lies within Thetford settlement boundary in accordance with Policy TH39 of the TAAP where the objective is to focus development the majority of development towards existing settlements. The principle of development has been established on this site through its allocation in the TAAP as part of the wider regeneration of the area, the improvements to the choice of transport modes and the potential for the Listed Building to be brought back into use. The principle of development is considered acceptable in accordance with Policies SS1, CP13 and DC18 of the Breckland Core Strategy and Development Control Policies (2009), Policy TH6 of the Thetford Area Action Plan (TAAP) (2012), Policies SS1, SS2 and SS3 of The Regional Spatial Strategy: The East of England Plan (2008) and Sections 1 and 8 of the NPPF (2012).
- 6.18 **Design**
- 6.19 Policy DC16 of the Core Strategy encourages a high standard of design giving consideration to design principles such as the local character, public realm, connectivity, adaptability, diversity, crime prevention, design, siting, materials and landscaping.
- 6.21 Policy ENV7 of the East of England Plan (2008) encourages a high standard of design.
- 6.22 Section 7 of the NPPF states that good design is a key aspect to sustainable development and places great emphasis on the importance to the design of the built environment. Para 61, acknowledges that visual appearance of a development is important and that planning decisions should address the connections between people and places and integrate new development into the natural, built and historic environment.
- 6.23 The submitted planning application is to provide for a new bus interchange with five bus stops. Bus shelters constructed on columns with a curved roof, of a pearl silver grey (RAL 9022) powder coated steel and glass panels are

proposed at each of the bus stops and are to be equipped with integral lighting and real time display. The proposed shelters will differ in terms of design to cater for the different users such as wheel chair turning circles and tactile paving adjacent to the shelter/bus stopping point.

To encourage the use of an alternative mode of transport a bicycle shelter is proposed adjacent to the single storey toilet block. With two steel Sheffield stands at either side. The steel shelter provides cover to six Sheffield stands to make an accumulative total of ten bicycle stands within the bus station.

The single storey curved shaped toilet block building situated at the northern edge of the site is to be constructed of flint walling materials with red brick quoins and plinth, under a single ply roof membrane in lead grey. The building provides a contrast with the adjacent Listed Building at the St Nicholas Street/London Road junction.

- 6.24 The Grade II Listed Building is to be repaired to protect it from further deterioration and to enable its re-use. The wall of the building is to be made good and re-pointed, with the rendering of the north gable. The roof which has been destroyed is to be recovered with slate roofing materials. The re-roofing would give the opportunity for a glazed gable triangle to be introduced to add visual interest. Windows are to be re-instated with timber and cast iron to be sympathetic to the Listed Building.
- 6.25 Two locations adjacent to the bus shelters are allocated for perch seats to provide additional seating within the site. The seats of a standard design are situated on columns with a slanted punched mesh roof.
- 6.26 To manage pedestrian movement at the site, 5 litter bins within close proximity to the bus stops and 12 bollards installed either side of the cycle store at 1m intervals to guide pedestrians and buses safely around the site are proposed.
- 6.27 At a central point within the site, so as not to obstruct pedestrian movement provision is made for a vending machine for purchasing tickets and an interactive display unit.
- 6.28 The design and layout of the proposed development is considered acceptable; whilst it is acknowledged that the changes will alter the streetscene, it would enhance the area and provide for safe vehicular and pedestrian movement across the site and to the wider town centre. The proposed repair works to the Listed Building would preserve and enhance the building and its setting making it more aesthetically pleasing. It is considered that the proposed will not have a detrimental on visual amenity, in accordance with Policy DC16 of the Breckland Core Strategy and Development Control Policies (2009), Policy ENV7 of The Regional Spatial Strategy: The East of England Plan (2008) and section 7 of the NPPF (2012).
- 6.29 **Amenity**
- 6.30 Policy DC1 of the Core Strategy states that new development will not be permitted where there are unacceptable effects on the amenities of the area or the residential amenity or neighbouring occupants, or future occupants of the development site.
- 6.31 Whilst there are a mix of uses surrounding the site, the nearest residential property to this development is no 4 Minstergate. The curtilage of the property

is approximately 4.2m (0.8m to the nearest point) to the boundary of the application site, where a bus bay is proposed. Residential properties are also located at Water Lane to the north of the site, Bidwell Court to the eastern boundary, St Nicholas House to the south and Minstergate to the western boundary.

- 6.32 The Noise Assessment accompanying the application concludes that there may be a slight increase in noise levels but it would not generally cause unacceptable noise disturbance in this location. The report goes on to recommend mitigation measures such as prioritising the bus stops for night time use starting with 5 working down to 1; and the buses turning their engines off when they have stopped.
- 6.33 The lighting scheme includes, 2no lights mounted on 3m high columns adjacent to the boundary with no 4 Minstergate, lighting mounted on 5m high columns within the bus station site, adjacent to the Listed Building and within the car park area and 4no wall mounted lights on the single storey toilet block. CCTV columns are proposed to be attached to the 5m high lighting columns.
- 6.34 The design of the proposed lighting scheme is to balance the amount of lighting required and to enhance security/crime prevention and ensure the safe passage for users. The light fittings are white and fitted with a time clock/photo cell control to limit the impact on the amenity.
- 6.35 The (EHO) has reviewed the application and accompanying documents and has raised concern regarding potential noise due to the proximity with residential property. In the consultation response the EHO has recommended conditions regarding buses idling, boundary treatments, lighting and noise are imposed on any grant of planning permission. Given the intended use of part of the site as a bus interchange it is considered that the recommended condition regarding the buses turning off their engines if stationary for longer than 2 minutes would not meet criteria's (iv) enforceable and (vi) reasonable in all other respects, of the planning tests set out in Circular 11/95: The Use of Conditions in Planning Permissions. In light of this it is considered necessary to remove the nearest sensitive receptor.
- 6.36 The applicant on the 15 May 2012 gained approval from the Cabinet of Norfolk County Council to enter into an agreement with the current owner(s) of no 4 Minstergate to discretionary purchase the property should both Planning and Listed Building Consent be granted. This would remove the most sensitive receptor and enable delivery of the development. Though negotiations the owners of no 4 Minstergate are in agreement to this and have subsequently removed their objection to the proposed development. Whilst the delivery of the proposal does rely on third party land, given the nature of the scheme there is a reasonable expectation that the discretionary purchase will be undertaken by the applicant should the necessary consents be forthcoming. The finding required for the acquisition of the property and associated costs are covered by Moving Thetford Forward (MTF).
- 6.37 On balance, it is considered that the proposed development would not have an unacceptable impact on the amenity of residents nearby residential occupiers, broadly in accordance with Policy DC1 of the Policy DC16 of the Breckland Core Strategy and Development Control Policies (2009).

6.38 **Sustainability**

6.39 Policy TH1 of the TAAP and the NPPF support the presumption in favour of sustainable development. The proposed development seeks to minimise the reliant upon the private car and increase the means of alternative modes of transport, repair a derelict Listed Building, enabling the historic building to be brought back into use, including the provision of insulation as the building is currently open to the elements. Other sustainable principles include the use of locally sourced materials where possible and the use of low energy lighting.

6.40 **Impact on Listed Building**

6.41 The former Cozy Carpets building which is located at the junction of St Nicholas Street and London Road and within the application site is a Grade II Listed Building.

6.42 Section 66 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 states that in considering to grant planning permission for development which affect a Listed Building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.43 Policy DC17 of the Core Strategy states that where a proposed development will affect the character or setting of a Listed Building, particular regard will need to be given to the protection, preservation and enhancement of any features of historic or architectural interest.

6.44 Policy DC16 of the Core Strategy also applies as it seeks to achieve the highest standard of design in new developments.

6.45 The principle of safeguarding, preserving and/or enhancing heritage assets is also echoed in Policy ENV6 of the RSS and Section 12 of the NPPF. Para 131 of the NPPF states that LPA's in determining planning applications should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses; the positive contribution that conservation heritage assets can make to sustainable communities; and the desirability of new development making positive contribution to local character and distinctiveness.

6.46 As the proposal will affect the Listed Building, Planning and Heritage Statements accompany the application. The proposed works to the Listed Building include the repointing of the walls – making good the external masonry work, the introduction of buttresses between the windows, rendering of the north gable (adjacent to St Nicholas Street/London Road) and the glazing of the high levels windows on the west elevation (towards the bus station) where the original openings have been enlarged. The remainder of the windows are to be replaced on a like-for-like basis. The roof of the Listed Building is to be re-instated with the introduction of a glazed gable triangle on the north gable. A new concrete floor is to be laid at ground floor and the provision to incorporate a second floor.

6.47 English Heritage has reviewed the application. Whilst no objections are raised, the following comments are made:

- Great care will be needed in constructing the new flint walls on the toilet block to ensure the mortar joints around the individual flints are kept tight. English Heritage recommend a condition requiring a sample panel of the flintwork be submitted before the walls are constructed



- English Heritage recommend that consideration should be given to forming the new paved area on the north side of the new toilet block in resin bound gravel in order to match the finish to be provided on the roadside of the Listed Building
- English Heritage recommend that further details of the wall to be constructed along the boundary of London Road be submitted prior to its construction
- English Heritage ask that the design of lighting columns is considered along with the design of the bus shelters and street furniture

The agent for the application welcome the comments received from English Heritage, is in an agreement to an appropriate condition regarding the sample panel and will consider alternative paving as suggested.

- 6.48 The works to the Listed Building require Listed Building Consent and is the subject of a separate application, administered by the County Council and determined by Breckland Council/National Planning Casework Unit. The application is yet to be determined.
- 6.49 In this case, considerable weight is afforded to the repair of the Listed Building to enable the current derelict building to be brought back into use. The Listed Building together with the single storey curved toilet block would provide a link to the bus interchange which the design of the street furniture relates well to contributing to the enhancement of the area. It is considered that the proposed development will not have a detrimental impact on the setting of the Grade II Listed Building, but in fact preserve and enhance it, in accordance with Policies DC16 and DC17 of the Breckland Core Strategy and Development Control Policies (2009), Policy ENV6 of The Regional Spatial Strategy: The East of England Plan (2008) and section 12 of the NPPF (2012).
- 6.50 **Impact on the character and appearance of the Conservation Area**
- 6.51 The application site lies within the Thetford Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires that when exercising its planning functions, LPA's should pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 6.52 Policy DC17 of the Core Strategy is relevant as the Council has a duty to pay special attention to the preservation and enhancement of the Conservation Area. The principle of this policy is reiterated in Policy ENV6 of the RSS and Section 11 of the NPPF. Policy DC16 of the Core Strategy regarding high standards of design is also relevant.
- 6.53 The proposal forms part of the wider regeneration of Thetford Town Centre of which the design, siting, scale and materials of construction/repair will contribute positively to the overall character and appearance of this part of the Conservation Area which is currently partially derelict and overgrown. The proposed development will visually enhance public realm and improve connectivity.
- 6.54 It is considered that the proposed development will preserve and enhance the character and appearance of the Conservation Area in which it lies, in accordance with Policies DC16 and DC17 of the Breckland Core Strategy and Development Control Policies (2009), Policy ENV6 of The Regional Spatial Strategy: The East of England Plan (2008) and section 12 of the NPPF (2012).

6.55 **Archaeology**

- 6.56 Policy DC17 of the Core Strategy seeks to protect, enhance and preserve sites of archaeological interest.
- 6.57 Policy TH18 of the TAAP reiterates the same overall principles of the above policy. The policy goes on to state that planning permission will only be granted where there is little likelihood of remains being found and the proposal allows for suitable monitoring or works; remains which should be preserved can be protected and preserved during construction; or remains which would not justify preservation will be protected through a programme of archaeological works.
- 6.58 Para 2, section 12 of the NPPF requires developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation where a development site includes or has the potential for archaeological interest.
- 6.59 The application site lies within an area of main archaeology interest. An archaeological evaluation at the site has identified remains (worked flint, sherd of Roman pottery and industrial activity associated with the former use of the site) of late Saxon and medieval date.
- 6.60 The Council's Archaeologist does not raise an objection to the proposed development subject to conditions regarding a programme of archaeological works (to include excavation and monitoring of the ground works and historic recording comprising of a photographic survey) been imposed on any grant of planning permission. It is considered that the proposed development will not have an unacceptable impact on the archaeological site of interest, in accordance with Policy DC17 of the Breckland Core Strategy and Development Control Policies (2009), Policy TH18 of the Thetford Area Action Plan (TAAP) (2012) and section 12 of the NPPF (2012).

6.61 **Impact on the Town Centre**

- 6.62 Policy CP7 of the Core Strategy supports the maintenance and enhancement of the vitality and viability of town centres. In order to achieve this, the delivery of appropriate retail, leisure, cultural and business proposals are permitted in town centres; directing retail development to primary shopping areas and carefully controlling other uses; the use of upper floors will be encouraged in order to maintain vibrant and attractive centres; the reduction of the reliance on the private car and enhanced public transport and pedestrianised areas.
- 6.63 Policy TH2 of the TAAP focuses new development for new retail and commercial uses within the defined primary shopping areas. Given the need to strengthen the town centre complementary office, cultural, educational and community related uses will be appropriate.
- 6.64 Section 2 of the NPPF echoes similar principles to that of the aforementioned retail policies.
- 6.65 It is considered that the Listed Building once repaired would be capable of being used for uses that fall within B1(a) Business (offices), D1 Non-Residential Institutions and D2 Assembly and Leisure uses. These types of uses are welcomed in a town centre location.
- 6.66 Given the town centre location, public transport links and the plans to repair the Listed Building with the range of uses proposed will enhance the vitality and viability of the town centre within the existing primary shopping area, in accordance with Policy CP7 of the Breckland Core Strategy and Development

Control Policies (2009), Policy TH2 of the Thetford Area Action Plan (TAAP) (2012) and section 2 of the NPPF (2012).

**6.67 Highway/Traffic**

- 6.68 The site is identified in the adopted TAAP for a bus interchange. Policy TH6 of the TAAP supports the development of this site for a bus interchange.
- 6.69 Policy CP13 of the Core Strategy promotes accessibility improvements and states that all new development will need to be integrated within existing or proposed transport infrastructure to further ensure choice of transportation method and enhance the potential accessibility benefits derived from the growth.
- 6.70 Policy DC19 of the Core Strategy relates to parking standards and states that parking areas will have provision for drivers/people with disabilities.
- 6.71 Section 4 of the NPPF advocates sustainable travel. It promotes safe and convenience access for all modes; accessibility to jobs, facilities and services; encourages minimising the need for the use of the private car and maximising the use of alternative transport modes.
- 6.72 The layout of the bus interchange is devised on a one-way system, with buses entering the site from the west boundary off Minstergate, existing on the eastern boundary onto St Nicholas Street. Cycle parking provision is provided in the form of a cycle shed intended to be located at the northern area of the site adjacent to the toilet block. Along the southern boundary of the site a drop-off/collection point is proposed in the adjacent car park. This is accessed via a new access formed off St Nicholas Street and provides 14 parking spaces including 4 disabled spaces. Off-site works required to facilitate the proposed development include the widening of Minstergate/St Nicholas Street to ease the manoeuvring of buses round the corner at the top of St Nicholas Street into Minstergate, an upgrade of the St Nicholas Street/London Road signalled junction. The works are outside of the application site therefore it is intended to impose a negatively worded condition to any grant of planning permission to secure the off-site works.
- 6.73 The submitted Transport Statement and Assessment prepared by Mott MacDonald concludes that the application site is acceptable due to its proximity within the town centre and to local services. The proposed bus interchange with improved facilities is seen as an enhancement to the public transport, walking and accessibility provisions that would have little impact on the local highway network.
- 6.74 The Highways Agency has reviewed the application and does not raise an objection to the proposal. The Highway Authority does not raise any objections subject to the imposition of conditions regarding the delineation, levelling, surfacing and draining of the access, parking provision, servicing, unloading/loading, turning and waiting areas; wheel cleaning facilities for construction vehicles; and details of the off-site highway improvement works on any grant of planning permission. Informatives are recommended regarding the carrying out of works within the highway and public utility apparatus that maybe affected by the proposal.
- 6.75 It is considered that the proposal will not have a detrimental impact on highway/pedestrian safety or the wider highway network, in accordance with Policies CP13 and DC19 of the Breckland Core Strategy and Development Control Policies (2009), Policy TH6 of the Thetford Area Action Plan (TAAP)

(2012) and section 4 of the NPPF (2012).

6.76 **Trees/Landscape**

6.77 Policy DC12 of the Core Strategy seeks to preserve the District's trees, hedgrows and other natural features and secure appropriate landscaping to mitigate against any impact.

6.78 Section 11 of the NPPF encourages the protection and/or enhancement of landscapes.

6.79 The proposal involves the removal of two trees on the verge of Minstergate with mitigation planting proposed. The layout of the scheme has been devised to avoid damage to the crown spread and roots of the planting to be retained. To further enhance this area, a landscaping scheme is proposed with a range of species. The Council's Landscape Officer does not raise an objection subject to conditions regarding details of planting/specifications been attached to any grant of planning permission. The Council's Tree Officer does not raise an objection subject to the development being carried out in accordance with the submitted Arboricultural documents.

6.80 It is considered that the proposed development will not have a detrimental on the trees/landscaping of this immediate area, in accordance with Policy DC12 of the Breckland Core Strategy and Development Control Policies (2009) and section 11 of the NPPF (2012).

6.81 **Ecology/Nature Conservation**

6.82 Many individual wildlife species receive statutory protection under a range of legislative provisions

6.83 The aim of Policy CP10 of the Core Strategy is to protect and enhance where possible the natural environment.

6.84 Policy ENV3 of the East of England Plan (May 2008) seeks to ensure that new development minimises damage to biodiversity, whilst promoting conservation and enhancement measures of habitats and species.

6.85 Section 11, para 118 of the NPPF sets out principles an LPA should apply which should aim to conserve and/or enhance biodiversity when determining planning applications.

6.86 The application comprises areas of hard standing, trees, shrubs and a building. There is the potential for roosting opportunities within the Listed Building. The proposal also offers opportunities for biodiversity enhancement through the proposed landscaping and the erection of bat tubes and nesting boxes. Whilst the site is not located within a designated site, it is within 5km of Elm Road Field, Thetford Golf course and Marsh, Breckland Forest, Barnham Cross Common and Breckland Farm all of which are Sites of Special Scientific Interest (SSSI's).

6.87 An Ecology Report, Bat Survey and Bat Activity Report accompany the application. The reports conclude that on inspection of the Listed Building there was no evidence of bats roosting at the site. It is likely that birds will nest in the trees within the site, therefore the appropriate mitigation and enhancement are proposed.

- 6.88 The Council's Ecologist does not raise an objection subject to conditions regarding bats, nesting birds, site clearance and enhancements for biodiversity imposed on any grant of planning permission. Natural England also recommended that a condition regarding bats be imposed on any grant of planning permission. The agent on behalf of the applicant has confirmed that the intention is to implement the recommendations in the Ecology Report regarding mitigations measures for bats and amphibians and to develop further the proposed enhancements measures should planning permission be granted.
- 6.89 It is considered that the proposed development will not have a significant impact on any designated site or protected species, in accordance with Policy CP10 of the Breckland Core Strategy and Development Control Policies (2009), Policy ENV3 of the RSS (2008) and section 11 of the NPPF (2012).
- 6.90 **Appropriate Assessment**
- 6.91 The application site is within 5km of Breckland Special Area of Conservation (SAC) and Breckland Special Protection Area (SPA) which are European protected habitats. The application has been assessed in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and based on the information submitted to the County Planning Authority (CPA) it is considered that the development does not have a significant impact on the integrity of any protected habitat. Accordingly, there is no requirement for the CPA to undertake an Appropriate Assessment of the development.
- 6.92 **Land contamination**
- 6.93 Policy CP9 of the Core Strategy seeks to avoid or minimise the pollution of the environment.
- 6.94 Section 11, para 121 of the NPPF states that planning decision should ensure that the site is suitable for its new use taking into account ground conditions and pollution arising from former uses and that adequate site investigation is prepared and presented.
- 6.95 Due to the sites former use as part of the Charles Burrell & Co organisation, including a scrap yard, storage of fuel and (St Nicholas) factory works Phase I and II Environmental Reports form part of the application submission. The Phase I report concludes that the due to the historic use of the site there is risk of ground soil contamination, the site has remained unused since 2002 when a fire destroyed part of the Listed Building, therefore the potential source of above ground contamination is with the associated debris. The application site is located over an aquifer therefore increasing the potential for contamination to ground water quality.
- 6.96 The Phase II report recommends a remediation method statement to address the issue of potential land contamination, regulatory measures to avoid risk to groundwater and suitable gas protection measures.
- 6.97 Breckland Council's Environmental Health Officer and the Environmental Agency have reviewed the reports and do not raise any objections subject to the imposition of conditions regarding contamination and measures to avoid pollution to the water environment on any grant of planning permission. The measures set out in the reports together with appropriate conditions is seen as an improvement in terms of addressing the land contamination for this particular use.

- 6.98 It is considered that the proposed development will not have a detrimental impact on the water environment, site contamination or pose a risk from contaminated land to future users of the site and neighbouring land, in accordance with Policy CP9 of the Breckland Core Strategy and Development Control Policies (2009) and section 11 of the NPPF (2012).
- 6.99 **Flood Risk**
- 6.100 Policy DC13 of the Core Strategy states that new development should be located in areas at least risk of flooding and expected to minimise flood risk.
- 6.101 Policy TH16 of the TAAP encourages new development to seek opportunities to reduce the causes and impact of flooding. The same principles as above are echoed in section 10 of the NPPF.
- 6.102 A small area of the application site near the access point on the north/western boundary lies within Flood Zone 2 according to the Environment Agency flood maps. A Flood Risk Assessment prepared by JPC Environmental Services has been submitted in support of the application. The report has been prepared to demonstrate the manner that surface water would be managed and that the provision of the bus interchange and hard surfaced areas would not overload the drainage system and increase risk of flooding elsewhere. The report concludes that due to the levels within the site there is little chance that flood water will encroach significantly onto the site and that the remainder of the site is likely to remain in Flood Zone 1 even when taking climate change into account. The report goes on to conclude that consideration will be given to surface water discharge.
- 6.103 The Environment Agency in their consultation response do not raise an objection regarding Flood Risk, but refer the applicant to the Environment Agency's standing advice and recommended conditions regarding drainage be attached to any grant of planning permission.
- 6.104 It is considered that the proposal will not increase the risk of flooding or give rise to drainage issues, in accordance with Policy DC13 of the Breckland Core Strategy and Development Control Policies (2009), Policy TH16 of the Thetford Area Action Plan (TAAP) (2012) and section 10 of the NPPF (2012).
- 6.105 **Responses to the representations received**
- 6.106 The application was advertised by means of neighbour notification letters, site notices and an advertisement in the local newspaper.
- 6.107 8 letters of objection have been received including 4 separate letters from the same household, raising the following issues:
- Whether the bus interchange is DDA compliant;
  - Why the Minstergate is being pursued as the preferred option;
  - Highway issues - routing traffic along Minstergate would lead to an accident, extra traffic generated by a bus station would add to danger of shoppers who park in the Wilkinsons car park and cross Minstergate to shop at Iceland or the Heart Foundation shop, there will be a conflict between the bus station exit and the delivery entrance for Iceland and the Heart Foundation shop, submitted plans show the pick up/drop point across the path of exiting buses and HGV's;
  - Errors statements within the application – the site is not vacant (q.18) as there is scaffolding in place and the construction of a private hotel is taking place, the land owner of Cosy Carpets was not notified of the application;

- Why is welsh slate to be used on the roof;
- Questions the validity of the Bat Activity and survey report
- The distance of the proposal to the town centre which will cause hardship and inconvenience;
- Noise nuisance;
- Anti-social behaviour; and
- Land contamination due to previous use;

6.108 In a response to the representation received the agent makes the following comments:

- Plans have been revised to ensure that the proposal is DDA complaint;
- Visibility is good and speeds are low on Minstergate;
- Safety audits have looked at all access points in detail, for which various revisions have been made. The safety audit team approve of the layout of the proposed development;
- The owner of Cosy Carpets did receive notification of the application. In addition the application was advertised in accordance with the statutory requirements for publicising planning applications;
- It is considered that natural slate roofing material is a more sympathetic material than a concrete tile;
- This proposal development is an enhanced facility that alleviated the potential bus/pedestrians conflicts that exist on the current site;
- The Council's Ecologist does not raise any objections to the submitted Bat Surveys; and
- The intention is to provide external lighting to the bus station, CCTV and restrict the opening hours of the toilets to reduce any potential anti-social behaviour

## 7. **Resource Implications**

7.1 **Finance** : The development has no financial implications from the Planning Regulatory perspective

7.2 **Staff** : The development has no staffing implications from the Planning Regulatory perspective

7.3 **Property** : The development has no property implication from the Planning Regulatory perspective.

7.4 **IT** : The development has no IT implications from the Planning Regulatory perspective.

## 8. **Other Implications**

**Legal Implications** : There are no legal implications from the Planning Regulatory perspective.

### 8.1 **Appropriate Assessment**

8.2 In accordance with Article 61 of The Conservation of Habitats and Species Regulations 2010, an Appropriate Assessment is not considered necessary because the proposal is considered very unlikely to have a significant effect on

a European designated site or species.

### **Human Rights**

- 8.3 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.
- 8.4 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.
- 8.5 The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. An approval of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.
- 8.6 **Equality Impact Assessment (EqIA)**
- 8.7 The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.
- 8.8 **Communications** : There are no communication issues from a planning perspective.
- 8.9 **Health and Safety Implications** : There are no health and safety implications from a planning perspective.
- 8.10 **Any other implications**: Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

### **9. Risk Implications/Assessment**

- 9.1 There are no risk issues from a planning perspective.

### **10. Conclusion and Reasons for Grant of Planning Permission**

- 10.1 The proposal the subject of this application would not only form part of the wider regeneration of Thetford, but represent a development scheme with investment for the town. The replacement bus interchange would provide improved facilities, provide for safe vehicular and pedestrian movements across the site.
- 10.2 The provision of employment during construction and operation given the current economic climate is welcomed and would provide a boost to the local economy. The provision of the bus interchange encouraging alternative modes



of transport to the private car in this town centre location together with the preservation of the derelict Listed Building aids the development to be more sustainable.

- 10.3 The impact of the proposed development should not be confined to the site boundaries, but must be considered in the context of surrounding development, transport links, social, economic and environmental issues that will result from the scheme if approved.
- 10.4 The proposed development accords with the relevant national, regional and local planning policies mentioned above and it is considered that the proposal will not result in a detrimental impact on design, amenity, the Conservation Area in which it lies, the Grade II Listed Building within the site, highway/pedestrian safety, archaeology, trees/landscaping, ecology, flood risk or land contamination. The proposed development would enhance the vitality and viability of the town centre and provide for a development that is more sustainable.

## 11. **Conditions**

- 11.1 It is recommended that planning permission shall be granted subject to conditions including:

- The development to be commenced within three years of the date of approval
- Compliance with the approved plans and documents
- Restriction of the use of the bus bays
- Submission of a programme of archaeology mitigatory
- Submission of details of historic building recording
- Site investigation/risk assessment to be undertaken to determine the extent of contamination
- Remediation works to be submitted to and approved, in the event that contamination is found on the site
- Delineation, levelling, surfacing and draining of the access, parking provision, servicing, unloading/loading, turning and waiting areas
- Details of wheel washing facilities for construction vehicles
- Details of off-site highways works
- Sample panel of flintwork to be submitted
- Boundary wall (adjacent London Road) details to be submitted
- Restriction of the use of piling foundations
- The installation of a closure valve in the surface water drainage system
- Water pollution prevention measures
- Condition regarding bats and swifts
- Restriction on the use of the Listed Building

## Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to:

- (i) Grant planning permission subject to the conditions outlined in section 11.
- (ii) Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.

## Background Papers

Application file reference: Y/3/2011/3009 and X/3/2011/3003

Breckland Core Strategy and Development Control Policies (2009)

Thetford Action Area Plan (TAAP) (2012)

The Regional Spatial Strategy: The East of England Plan (2008)

The National Planning Policy Framework (NPPF) (2012)

## Officer Contact

If you have any questions about matters contained in this paper please get in touch with:

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If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 and ask for Angelina Lambert or textphone 0344 800 8011 and we will do our best to help.



Y/3/2014/3007 - Thetford Bus Interchange

Thetford

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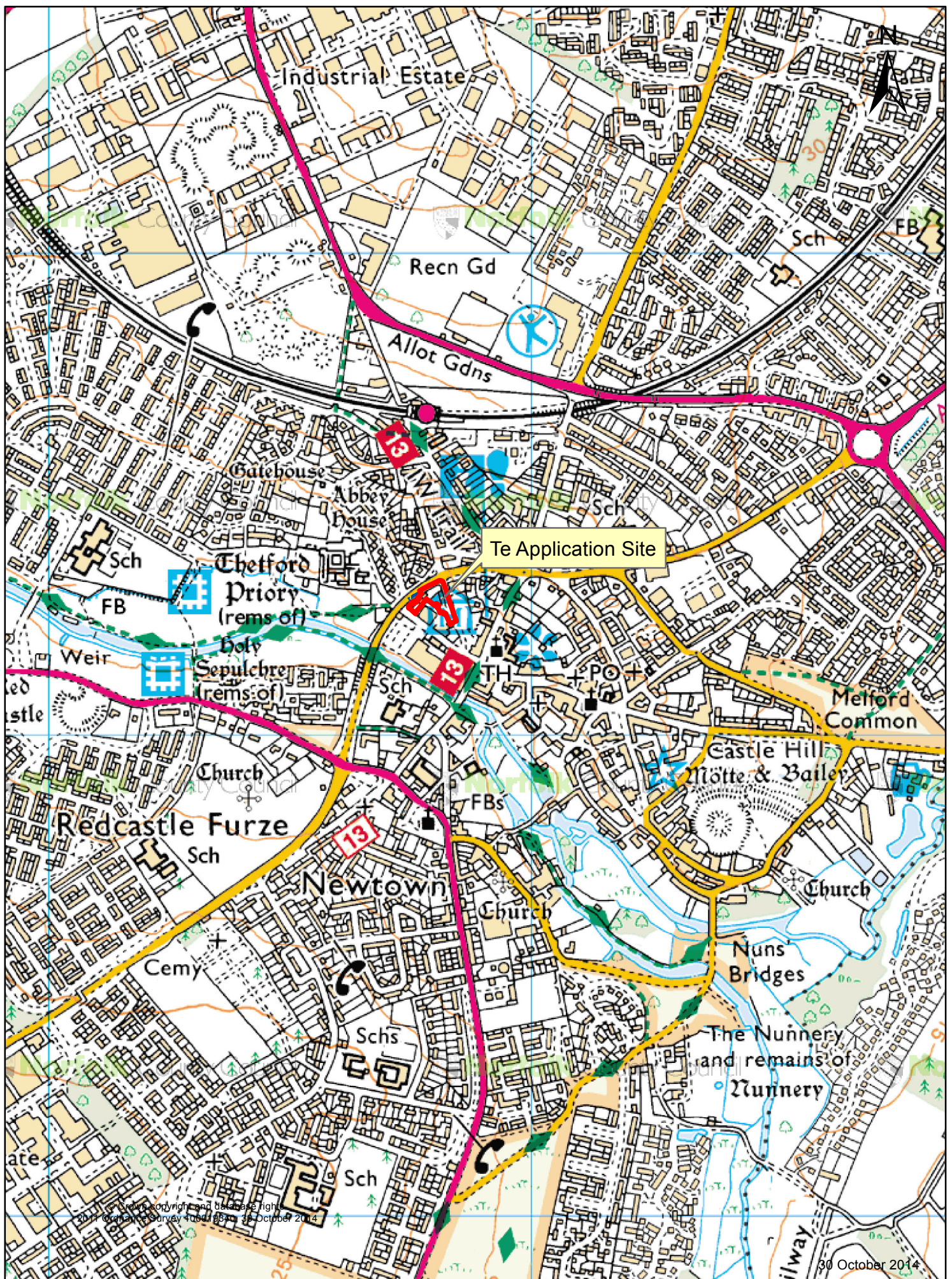


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