

Broads Authority

Planning Committee

Minutes of the meeting held on 24 May 2013

Present:

Dr J M Gray – in the Chair

Mr M Barnard
Miss S Blane
Prof J Burgess
Mr C Gould

Mrs L H Hemsall
Mr P E Ollier
Mr R Stevens
Mr P Warner

In Attendance:

Mrs S A Beckett – Administrative Officer
Mr F Bootman – Planning Officer
Ms M Hammond – Planning Assistant
Ms A Long – Director of Planning and Resources
Mr S Shortman – for the Solicitor
Ms C Smith – Head of Development Management

Members of the Public in attendance who spoke:

BA/2013/0072/FUL Cantley Sugar Factory, Station Road, Cantley

Mr N Tuck	Vice-Chairman of Cantley Parish Council
Cllr C Snowling	District Ward Member
Mr M Tolley	British Sugar, Cantley

BA/2013/0050/FUL Bewilderwood, Horning Road, Hoveton

Mr S Egan On behalf of the Applicant

BA/2013/0079/FUL Viewing Platform, West Of Horsey Mill, Somerton Road, Horsey

Ms L Marsden On behalf of the Applicant

12/1 Apologies for Absence and Welcome

Apologies for absence were received from Ms J Brociek-Coulton, Mr N Dixon and Dr J S Johnson.

The Chairman welcomed everyone to the Planning Committee meeting and gave an outline of its composition. It was noted that there had been a number of changes to membership following the recent County Council elections as well as the annual meetings of the Local Authorities. Mr Rice had lost his seat on the County Council and it was understood that Colin Fox had been

appointed by Great Yarmouth Borough Council instead of Mr Jeal. In light of these changes the Authority at its meeting on 10 May, gave delegated authority to the Chairman in consultation with the Chief Executive to appoint new members in order for the Committee to remain quorate up until the annual meeting in July.

Therefore he welcomed two new members Mrs Lana Hempsall, appointed by Broadland District Council in place of Mr Alan Mallett, and Mr Peter Warner, recently appointed by the Secretary of State from 1 April 2013.

12/2 Declarations of Interest

Members introduced themselves and expressed declarations of interest as set out in Appendix 1 to these minutes. The Chairman declared interests on behalf of all members relating to Item 12/8(1) having been lobbied by objectors as well as item 12/8(3) where the Broads Authority was the applicant.

12/3 Minutes: 26 April 2013

The minutes of the meeting held on 26 April 2013 were agreed as a correct record and signed by the Chairman.

12/4 Points of Information Arising from the Minutes

Minute 11/9: Application referred to Broads Authority for Consultation BA/2012/0170/NEIGHB Deal Ground, Trowse.

The Head of Development Management reported that Norwich City Council had considered the applications for development at the Deal Ground and the bridge at its meeting on 16 May 2013 and resolved to grant planning permission. One of the concerns raised by the Authority had been the absence of moorings and it was pleasing to note that the Authority had received plans showing 60 metres of private and 60 metres of public moorings as well as a slipway, which officers were now reviewing and assessing.

12/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

12/6 Chairman's Announcements and Introduction to Public Speaking

- (1) **RTPI Planning Summer School 6 - 9 September 2013 University of Leeds 80th Anniversary.
Theme: Planning for Prosperity to include practitioners and councillors**

The Chairman reminded Members of the annual RTPI conference to be opened by Lord Taylor of Goss Moor. This was especially useful for

new members on the Committee. If anyone was interested in attending they were requested to inform the Administrative Officer.

(2) **Mills Strategy Workshop**

The Chairman reported that the Workshop on the Mills Strategy was likely to be held on Thursday 20 June 2013 in the morning based on the latest response from mill owners. Confirmation and details would be provided for members as soon as possible

(3) **Code of Conduct**

The Chairman explained that the Authority's Code of Conduct had been amended at the Authority meeting on 10 May 2013. Most members present had now signed the new Written Undertaking. Appendix 1 of the Code of Conduct for Members on Planning Committee and Officers has also been amended and this has been circulated for all members. (This was the only part of the Planning Code of Conduct that had been changed.) Members' signatures relating to this revised Planning Code of Conduct were requested.

(4) **Public Speaking**

The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the revised Code of Conduct for Members and Officers, and that the time period was five minutes for all categories of speaker. Those who wished to speak were requested to come up to the public speaking desk at the beginning of the presentation of the relevant application.

12/7 Requests to Defer Applications and /or Vary the Order of the Agenda

Requests had been received to defer the following items:

(1) **Agenda Item 8(4): Application: BA/2013/0119/COND Shell Petrol Station, Caister Road, Great Yarmouth.**

An objection had been received from the Environmental Health Officer at Great Yarmouth and therefore it was agreed that this item be deferred.

(2) **Agenda Item 9 (Minute 11/10(2): Enforcement Item: Burgh St Peter: Waveney Inn River Centre.**

The Chairmen of both the Navigation Committee and the Planning Committee had spoken to the potential applicant and it was understood that he was prepared to submit a planning application. Therefore this item would be deferred.

12/8 Applications for Planning Permission

The Committee considered applications submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also having regard to Human Rights), and reached decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decisions.

The following minutes relate to further matters of information, or detailed matters of policy not already covered in the officers' reports, and which were given additional attention.

- (1) **BA/2013/0072/FUL Cantley Sugar Factory, Station Road, Cantley**
Proposed extension in height of two existing sugar syrup storage tanks along with an additional storage tank and associated landscaping
Applicant: Mr Mark Tolley British Sugar (Cantley) Ltd.

The Planning Officer reminded members that the application had been deferred from the previous meeting in order to ensure that the community was fully informed as well as to enable British Sugar to meet with the Parish Council and Community to explain the proposal to the residents of Cantley as well as discuss the proposals with those who had raised concerns. The Authority had posted additional site notices, sent a site notice to the Parish Council with a request to display the notice and consultation letters had been hand delivered to over 40 neighbouring properties. In addition, representatives from both the Authority and British Sugar had attended a public meeting with the Parish Council on 16 May 2013.

The re-consultation had resulted in two further representations, one to confirm their previous objections and an additional representation. Neither raised significant new planning issues.

The Planning Officer gave a detailed presentation and comprehensive assessment of the proposal that comprised two main elements namely increasing the height of the two existing syrup tanks from 15metres to 19.37 metres and the construction of a new silo to the west of the existing two silos of 28.2m in height. A new bund was proposed to surround the new silo and the existing bund surrounding tanks 1 and 2 would be re-profiled to match. He provided photographs of the site from various vantage points including neighbouring sites where concerns had been expressed. It was clarified that the increased capacity of the tanks would enable the sugar syrup to remain on site, unlike at present when sugar syrup processed in excess of the existing storage capacity was removed from the site by road tanker and then brought back for further refining when market demand dictated. There would be no increase in traffic movements and the highways issues had been addressed. He explained that the location of the new silo had been discussed extensively with British Sugar who had investigated 6-7 alternatives within the 60 ha complex, the vast majority of which was

used for a specific purpose and would require rearrangement, regardless of the substantial engineering difficulties involved.

The Planning Officer drew attention to the main issues relating to the impact on the ecology and in particular the concerns relating to the impact on amenity specifically the loss of an area of amenity space and the impact of the proposed new tank in terms of overshadowing and loss of light. He also drew attention to the important contribution made by the sugar factory to the local economy. These issues were addressed in turn and assessed against the criteria in the emerging Policy PP/CAN1 of the Broads Site Specific Policy DPD as well as the NPPF.

The Planning Officer concluded that it was recognised that there would be a significant impact on the landscape and on the outlook of a number of residential properties. However, the proposals would be seen within the context of a large industrial site. Given the limited harm on the special characteristics and ecology of the Broads and the economic significance of the site to the Broads and the wider area, the support expressed in the NPPF for sustainable economic development was a significant material consideration. Refusal would be contrary to the guidance within the NPPF. Therefore the proposals were considered to be acceptable and it was recommended that the application be delegated to officers to approve subject to the prior submission of the ecological reports and these being satisfactory to both the Authority and Natural England as well as subject to conditions to include the required mitigating measures.

Mr Tuck, Vice-Chairman of Cantley Parish Council expressed the considerable concerns of the local residents about the application and the significant impact it would have on the amenity of the community, the timing of the Committee meeting and notice given. The Parish Council were of the view that the decisions of British Sugar were based purely on economics and did not take into account the amenity of the local residents. They did not consider that there were only two options available on the site for the proposals. He commented that the height of the silos would be equivalent to a 10 storey building and therefore would have a definite and significant impact on the area which could not be denied. He considered that the proposals would be a blight on the landscape and have a detrimental impact on the value of those houses within the vicinity. He recommended that the application be deferred for members of the Planning Committee to have a site visit.

Representatives from British Sugar, the Project Manager and Factory Manager were available to answer questions. They explained that eight different locations within the site had been examined, all of which would have some impact locally and on the operation of the site. The site within the application was considered to be the one that would have least impact on the village. The factory served 700 farms as well as employing about 3,000 people within the region and the industry

needed to be constantly aware of the national and international markets and remain commercially viable. By being able to store the sugar in syrup form on site this would help to reduce the costs of off-site storage and double handling. The factory would be able to produce sugar at a lower price than at present and therefore remain commercially competitive. As one of only four Sugar Beet factories in the country it was part of the whole industry. The factory was acutely aware of the impact on residents and in recognising the importance of landscaping, this was part of the feasibility study and would be one of the first phases of any development. In addition, landscaping and screening would be subject to appropriate management. With regard to the dimensions and design of the tanks, this was very challenging especially due to the soil and bedrock conditions. Various options had been explored and the ones presented were considered to be the optimum design and most economically viable.

Mr Snowling, one of the two District Council members for Cantley commented that he considered that the question of consultation had now been remedied and gave the residents of Cantley the opportunity to meet with British Sugar and have a dialogue over the proposals. He stressed that the application should be judged against planning policy and particularly PP/CAN1 criteria (b) and (d) and he considered that there was still a lot more work to do to satisfy these. The development would be overbearing and would not protect the amenity of residents. Although the business case might be accepted, it could not be denied that there would be an adverse impact on Cantley residents. He listed the concerns raised at the public meeting:

- Bunds – are they adequately designed to contain spillages?
- Could the height of the silos be reduced or better screened?
- Is the location chosen appropriate or could the proposal be moved into the main complex?
- Could the silos be built underground or further into the ground?
- Are the landscaping proposals correct?
- Will there be additional traffic?

He considered that the proposals were not in accordance with policies and therefore the project should not be able to proceed as the recommendation to approve was flawed. He considered that members of the Committee should have a site visit to appreciate the concerns of residents.

Following clarification on some points raised and documented in the report, members considered that it would be useful to view the site and appreciate the concerns relating to the impact of the proposals on the amenity of the local residents as well as understand the nature of the site and the operational requirements of British Sugar.

RESOLVED by 6 votes to 0

that the application be deferred for a site visit to take place on Friday 7 June 2013 starting at 10.00am to enable members of the Planning Committee to consider the impact of the proposals on amenity of the local residents as well as have the opportunity to view the nature of the site and the operational requirements of British Sugar.

- (2) **BA/2013/0050/FUL Bewilderwood, Horning Road, Hoveton**
Creation of narrow gauge train track (1.4kmcircuit) and associated works
Applicant: Bure Valley Adventures

The Planning Assistant provided a detailed presentation of the proposal which involved the creation of a narrow gauge train track and associated works to form a new feature as part of the popular Bewilderwood outdoor adventure and education park. It was explained that 1km of the 1.4km track fell within the Broads Authority area, the remainder being to the north and west of the site within North Norfolk District within the vicinity of Palmers Lane and this part of the application had been approved by North Norfolk in the week ending 16 May 2013. In assessing the application it was recognised that woodland was an integral part of the functioning of the site and that there would be the loss of 100 trees (for the whole of the application site). However there would be a considerable replanting programme as proposed in the draft Conservation Management Plan and the replanting within the Broads Authority area would be finalised with the Authority post construction to ensure appropriate mitigation.

The Planning Assistant concluded that the proposals to provide additional attractions were acceptable in principle and although the train track and operation of the train ride would in the short term adversely affect the landscape particularly in relation to trees, in the longer term, the associated mitigation measures and enhancements built into the proposals, would on balance provide benefits to the wider landscape and habitats and therefore compensate for any residual impacts as well as mitigate any unacceptable impacts on amenity. The proposal was considered an appropriate form of development and recommended for approval.

Members agreed that subject to the conditions to be imposed the application was acceptable and would provide an added enhancement to the attractions of the park.

Members welcomed the proposal and endorsed the officer's assessment.

RESOLVED unanimously

that the application be approved subject to conditions outlined in the report as the application is considered to meet the requirements of the Broads Core Strategy DPD in particular Policies CS1, CS9, CS11, CS16 and CS18 and Development Management DPD Policies, particularly Policies DP1, DP2, DP3, DP4, DP5, DP11, DP14, DP27, DP28 and DP29 and the NPPF.

(3) **BA/2013/0079/FUL Viewing Platform West Of Horsey Mill
Somerton Road Horsey**

Proposed erosion protection scheme with construction of two viewing-fishing area, reinstatement and reinforcement of the grassed area and erection of interpretation board

Applicant: Broads Authority

The Planning Officer explained that the application was before Committee due to it being a Broads Authority proposal. The proposals were situated in part of a popular viewing area at the eastern end of Horsey Mere, the aim of which was to address the bank degradation caused by the erosive effect of the water and to achieve landscape enhancements through removal of the redundant bank protection and to improve facilities for anglers and pedestrians, as well as increase understanding through the provision of interpretation. No objections had been received.

The application was recommended for approval subject to conditions.

Some concerns were expressed as to whether the proposals might result in competition for space and conflict between anglers and the visitors. It was clarified that this had been taken into account. The platforms were an optimum distance apart and the proposed depth of the reed bed was sufficient to inhibit intrusion into this area.

Members concurred with the assessment and endorsed the officer's recommendation.

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report as the proposals are considered to meet the requirements of the Broads Core Strategy DPD and Development Management Policies DPD Policies, particularly Core Strategy Policies CS9 and CS17 and Policies DP13 of the DMP DPD and the provisions of the NPPF.

(4) **Application: BA/2013/0119/COND Shell Petrol Station, Caister Road, Great Yarmouth**

This item was deferred to give consideration to the comments from the Environmental Health Officer.

12/9 Enforcement of Planning Control: Enforcement Item for Consideration – Waveney Inn and River Centre Staithe Road, Burgh St Peter

The matter was deferred.

12/10 Consultation Documents and Proposed Responses: Neighbouring Council Consultation

- (1) **Neighbouring Council Consultation: South Norfolk Council**
Part 1: Development Management Policies Document – Preferred Options
Part 2: Site Specific Allocations and Policies Document – Amendments to Preferred Options

The Committee received a report that summarised two South Norfolk planning policy documents that were the subject of consultation and provided a proposed Broads Authority response to both. Particular attention was drawn to those issues of most relevance to the Broads area. It was considered that greater prominence should be given within the document to the designation of the Broads Authority area as being of national and international significance and its special characteristics as well as the consistency in terminology relating to protection of biodiversity, natural environment and landscape.

With reference to the Site Specific Allocations, Members noted the proposed areas adjacent to the Broads and that the main area of concern was the residential development of part of a County Wildlife Site at Broome Heath.

RESOLVED

that the report be noted and the proposed responses be endorsed for forwarding to South Norfolk Council.

- (2) **Neighbouring Council Consultation: Broadland District Council: Growth Triangle Area Action Plan Issues and Options**

The Committee received a report summarising the Growth Triangle Area Action Plan (GTAAP) within Broadland District Council together with a proposed Broads Authority response. This included the area of Rackheath and Beeston St Andrew. Members noted that the principle of growth in the area was yet to be found sound following the challenge in the High Court to the Joint Core Strategy (JCS) and the examination

of the JCS and Growth Triangle which took place on 22 and 23 May 2013. The answer to this was not expected until early Autumn.

Members concurred with the officer's comments notably that the proposed 10,000 homes and therefore increased population in the area would create increased pressures on the systems and therefore the Habitats Regulation Assessment for the JCS and therefore have an impact on the Broads area including its use for recreational activities. It was therefore important to ensure appropriate mitigation measures were in place and that these were given more prominence and scheduled into the Strategy.

Although it was understood that the concerns over water sources, water quality, disposal and SUDs were being given due consideration, members considered that it was important to stress these concerns from a Broads Authority perspective.

RESOLVED

that the proposed response be endorsed and forwarded to Broadland District Council.

12/11 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee and was provided with an update on the following:

(1) Thorpe Island Marina – (Former Jenners Basin)

The Planning Inspectorate had reviewed the appeal decision, had agreed that the challenge to its decision was valid and its decision had been legally flawed. The Inspectorate had agreed to refer its decision to the High Court for the appeal decision to be quashed and therefore, in effect, the Inspector's decision of 15 June 2012 was invalid. Therefore the situation had reverted to the appeal stage and meant that the Enforcement Notice and subsequent appeal would need to be reconsidered. The Planning Inspectorate had proposed that this could be dealt with by written representations. It was hoped that the revised decision would be received by the end of 2013.

(2) Sotshole Broad, Norton Hill Ranworth

Members noted that in accordance with Minute 11/10(1) of the meeting of 26 April 2013, the final paragraph of the Enforcement Update Schedule should read:

“Authority for the serving of an Enforcement Notice in consultation with the solicitor, requiring the removal of the quay heading, decking, footpaths, boardwalks and bridges where appropriate and the restoration of the site to the condition prior to unauthorised

development, with a compliance period of three months and in the event of non-compliance authority given for prosecution”

This had been corrected on the website.

It was unfortunate that there had been a number of inaccuracies reported in various press articles, particularly when negotiations were still ongoing with the prospective applicant. It was clarified that no enforcement notice had been issued and this would only be done should negotiations not be fruitful. There was no issue whatsoever with the clearing out of the Broad, which did not in any case require planning permission, and had resulted in considerable improvements to the ecological condition. As members were aware, the issues were the operational development comprising the substantial quay heading, decking and boardwalks which did require planning permission. Officers were still in negotiation with the landowner's representative and a meeting had been arranged to be held in the week beginning 27 May 2013 in an attempt to resolve the situation by mutual agreement.

RESOLVED

that the report be noted.

12/12 Appeals to the Secretary of State: Update

The Committee received a schedule showing the position regarding appeals against the Authority since October 2012 as set out in Appendix 1 to the report.

- (1) Members noted that a decision had been received on the appeal by **Mr Sealey, The Reeds, Marsh Road, Hoveton** concerning the use of white wood grain effect upvc with black insert windows and doors and upvc frames for a conservatory and living room extensions and that this had been dismissed.

Members welcomed the decision which had endorsed and supported the Authority's policies in relation to design and the use of upvc.

- (2) Members were also advised of an an appeal decision within Norwich City Council's area at the **former Reads Mill in Norwich** on the River Wensum. The Inspector had dismissed an appeal against a refusal to remove a condition requiring the provision of moorings. The decision was welcomed.

RESOLVED

that the report be noted.

12/13 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 15 April 2013 to 13 May 2013.

RESOLVED

that the report be noted.

12/14 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 21 June at 10.00am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.55 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date: 24 May 2013

Name	Agenda Item/Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	12/8(1)	Applications BA2013/0072/FUL Cantley. Lobbied by Cantley Parish Council and objectors
All Members	12/8(3)	Application BA/2013/0079/FUL Horsey Broads Authority application
P Ollier	12/8 (1) and (3)	As above
C Gould	12/10	In addition to the above: South Norfolk Site Specific Policies Document and Development Management Policies Preferred Options – member of South Norfolk Council
J M Gray	12/10	In addition to the above: South Norfolk Site Specific Policies Document and Development Management Policies Preferred Options – member of South Norfolk Council