

Minutes of a meeting of the **Planning Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 23 January 2019** at **9.30am** when there were present:

Miss S Lawn – Chairman

Mr A D Adams  
Mr R F Grady  
Mr R J Knowles

Mr K G Leggett  
Mr G K Nurden  
Mrs B H Rix

Mr D C Ward  
Mr J M Ward

Also in attendance were the Head of Planning; Area Planning Manager (West) and the Senior Committee Officer.

### **72 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr Everett, Mrs Hempsall and Mr Willmott.

### **73 MINUTES**

The Minutes of the meeting held on 9 January 2019 were confirmed as a correct record and signed by the Chairman.

### **74 APPLICATION NUMBER 20181294 – MILLING TOWER BUILDING AND SIX STORAGE HOPPER SILOS FOR FOOD PROCESSING AND PRODUCTION AT GREATER NORWICH FOOD ENTERPRISE ZONE, RED BARN LANE, HONINGHAM**

Prior to consideration of the above application, the Head of Planning reminded the Committee of an application for this same site which had previously been determined by the Committee, on 19 December 2018, relating to highway improvements (Minute no: 60 referred). In particular, drawing P7 which concerned the passing bays and TROD had been presented to committee. He had subsequently met with the Chairman of Easton Parish Council who had expressed concerns on the accuracy of the plan – eg the bollards outside of the church were not shown and neither was the proposed crossing. Consequently, to avoid ambiguity, the consultants, Rossi Long, had been requested to prepare a new plan which included those missing elements (drawing P9). This was now the approved plan. However, Rossi Long had also made an amendment to a section of the TROD and on P9, it had been reduced from 1.5m to 1.1m in width and it now adjoined the edge of the carriageway.

Furthermore, to maintain the safety of this section of TROD, the Highways

Authority had consequently incorporated a rumble strip, raising of the TROD above the surface of the road and reflective bollards had all been included. The approved condition for the Local Development Order required pedestrian and cycle access and the Head of Planning confirmed that these were still being provided and therefore, no further decision was required of the Committee. It was noted that Easton Parish Council fully supported the amendments.

The Committee then proceeded to reconsider an application for a milling tower building measuring 20m in length, 15.4m in width and 20m in height; six storage hopper silos each 10m in height with the gantries and associated equipment up to 14.6m in height positioned to the side of the milling building. The application site measured 46m x 19.5m (897m<sup>2</sup>). The milling building and silos were proposed to be located to the south east corner of the site which was designated as a Food Enterprise Zone (FEZ) under a Local Development Order (LDO) at Red Barn Lane in Honingham. The proposals for consideration formed part of a wider development for a processing plant for mustard and mint together with an external storage area and had been submitted under the parameters and conditions of the LDO. As the milling building and part of the hopper silos exceeded the height prescribed within the LDO, they required planning permission. The applicant was a grower consortium which farmed 50,000 acres of land throughout Norfolk and would supply Unilever with mustard flour and mint for food production under the Colman's of Norfolk brand.

At its meeting on 3 October 2018, the Committee had delegated authority to the Head of Planning to approve the application subject to no new material issues being raised before the expiration of the consultation period and subject to conditions (Minute no: 38 referred). Following consultation with the Head of Planning, the Portfolio Holder for Planning and the Chairman and Vice-Chairman of the Committee, it was agreed that the further comments received did not constitute new material issues and, on 30 October 2018, the planning permission had been issued.

However, a Judicial Review of that decision and two other resolutions of the Planning Committee from that same meeting, associated with the Food Enterprise Zone, had been submitted and the Council had resolved to submit to judgement on the expectation that the decision would be quashed by Order of the Court. The Area Planning Manager advised the Committee that the case had now been considered by the Court and the decision of 3 October 2018 had been quashed. Accordingly, the application remained to be determined and that was why it was before the Committee again for a new decision to be issued.

The Committee received additional representations from Easton Parish Council (which unanimously supported the application); Mr Robinson of 19 Aldryche Road (including a letter dated 22 November 2018) objecting to the application together with the office response, all as reported in the

Supplementary Schedule. In addition, the Committee noted the content of a further letter from Mr Robinson dated 15 January 2019 which was circulated at the meeting.

The Committee also received the verbal views of Mr Milliken, Chairman of Easton Parish Council; Andrew Cawdron on behalf of the Wensum Valley Alliance, objecting to the application and Dave Martin of Condimentum, at the meeting. With regard to the other issues raised by Mr Milliken, the Head of Planning advised Members that these were not appropriate matters for the Committee to debate and should be processed by Mr Milliken through the Council's complaints process.

In terms of the application itself, Members noted that the site was located outside of the settlement limit but had been granted as a Food Enterprise Zone under the LDO, with Policy 5 of the JCS supporting economic growth both in urban and rural locations and which specifically advanced "the development of a flagship food and farming hub serving the needs of Norfolk and supporting the agri-food sector in and around greater Norwich". Furthermore, Policy 17 of the JCS allowed development in the countryside where it could be clearly demonstrated to further the objectives of the JCS. The Committee considered that these were the "in principle" policies of the development plan which supported the proposal outside of the settlement limit.

### **Landscape**

It was noted that a detailed Landscape and Visual Impact Assessment had been submitted in support of the Environmental Statement which included nine viewpoints from the locality to establish the effect on the proposals on the landscape. This concluded that the landscape's sensitivity to the proposed development was high; however no significant areas of settlement would be directly affected by the proposals. Whilst in close proximity to the site the mill building would appear as a tall and noticeable feature but it was considered that the strategic planting required as part of the LDO condition would provide some visual mitigation on the local scale. It was noted that the impact would be further mitigated by the proposed use of a graduated colour finish on the milling building (from green to white) which would provide for the upper part of the building to blend in with the skyline thereby reducing the full effect of the 20m height. In conclusion, it was acknowledged that there would be an impact on the character and appearance of the surrounding area particularly before the strategic landscaping planting became established, but this did not significantly and demonstrably outweigh the economic benefits of approving the application.

In terms of the request for the imposition of a landscaping scheme for the proposed works, this was considered to be unnecessary in this case as a strategic landscaping scheme was to be submitted and approved for the entire FEZ site under the requirements of condition 2.27 of the LDO.

Furthermore, a condition requiring tree protection of the retained trees in proximity to the application site was also not considered to be necessary as this was covered by condition 2.29 of the LDO.

### **Heritage assets**

Regard was given to Section 16 of the NPPF and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies 1 and 4 of the Easton Neighbourhood Plan which did not form part of Broadland's Development Plan, in terms of the relationship between the proposals and the two listed churches in the locality. It was noted the applicant had submitted a Supplementary Landscape and Visual Impact Assessment – Listed Buildings and this concluded that in both cases the impact on the churches and their churchyards was negligible and neutral due to the distances involved; the vegetation which existed between them and in the case of St Andrews Church, the topography, as the church was at a much lower point in the valley. The comments of both Historic England and the Council's Historic Environment Officer were detailed in the report and the Committee concluded that, given these comments and the submitted assessment, it had been demonstrated that the proposals would have less than substantial harm on the setting of the listed churches. Consideration was given to Paragraph 196 of the NPPF and Members agreed that the economic benefits of providing employment and securing the first development on the LDO site, together with the increased revenue in the area and the district overall, was a public benefit which outweighed the less than substantial harm to the churches.

### **Residential amenity**

It was noted that there were no immediate residential properties to the application site; Red Barn Cottage was the nearest dwellings and was approximately 430m to the south west of the application site. To the east of the application site, approximately 650m away, outline planning permission had been granted by South Norfolk Council for 890 dwellings. However, no details had been submitted to identify the position of the dwellings and it was considered that the proposals would not have an unacceptable impact on any residential property or settlement. The Committee acknowledged that, in granting the LDO, conditions had been imposed setting out the acceptable parameters for noise, dust and emissions from the FEZ development including relevant monitoring points for each element. Furthermore, the Council's Environmental Health Officer, having considered the processes involved, had requested the imposition of certain conditions in respect of dust and noise. Members noted that it would be for the promoter and developer of the FEZ site to ensure that the uses which were developed in combination across the whole of the FEZ site did not breach the LDO noise limits at the specified monitoring point. Therefore, it was considered that the requirements of Policies GC4 (iv) and EN4 of the DM DPD had been complied with.

### Highways

The Committee noted that the Highway Authority had no objection to the proposal based on the anticipated traffic movements as detailed in the report on the basis that there would be limited impact on the local highway network.

Members acknowledged the proposed works to the highway as submitted under ref 20181177. Accordingly, it was considered that the requirements of Policy TS3 had been complied with.

### Environmental Impact Assessment

The Committee noted that the applicant had submitted an Environmental Statement (ES) in support of the application and, under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the district council had to follow a set of procedures in terms of consultation, publicity, assessment and determination of such applications. Relevant consultees had been notified and Members noted the comments received as detailed in the report. In addition, as required, the Secretary of State had been consulted on the proposals including the submission of the ES and confirmation had been received that they had no comments to make.

The requirements of part 26 of the EA Regulations 2017 were noted and, in terms of these, the Council had examined the ES and noted that a wide range of environmental topics had been considered but scoped out of the ES. The ES had identified that the significant effects of the proposed development on the environment were landscape and visual impacts. Members concurred with the officer appraisal which concluded that the proposal had had regard to the environment, character and appearance of the area by the submission of the detailed Landscape Visual Impact Assessment, together with the design of the proposals, colourway treatment and the location of the taller buildings in proximity to the retained trees. The Committee noted that the ES included a description of the reasonable alternatives which had been studied by the developer which were relevant to the proposals, including the reasons for selecting the LDO site.

Regarding the cumulative effect, Members noted that, at the time the designation of the LDO was being considered, officers sought an EIA screening opinion to establish whether the FEZ was EIA development and the conclusion was that an EIA was not required. Furthermore, the residential development had been supported by an ES and it had been concluded that the environmental, social and economic impacts raised in the ES had been considered and addressed. Accordingly, the Committee considered that the cumulative effects of these developments did not have significant effects on the environment.

In terms of all other matters raised, it was considered these had either been satisfactorily addressed by the officers or would be dealt with through the

imposition of appropriate conditions.

In conclusion it was considered that, having taken account of the development plan, NPPF and other relevant material considerations, on balance the public benefits associated with the proposal outweighed the harm including the less than substantial harm to the listed churches. Accordingly, it was

**RESOLVED:**

to approve application number 20181294, subject to the following conditions:

- (1) The development to which this permission relates must be begun not later than THREE years beginning with the date on which this permission is granted.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.
- (3) Development shall not proceed above slab level until details of all external materials including details of the colour finish of the cladding to the milling building to be used in the development have been submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- (4) Prior to the commencement of development a Construction Environmental Management Plan (CEMP) is to be submitted to and approved in writing by the Local Planning Authority. The works shall then be undertaken in accordance with the approved CEMP.
- (5) Noise and sound pressure emanating from the site associated with any building or use permitted by virtue of the LDO shall not exceed the following limits when measured at the southwest corner of the LDO site.

A-weighted noise limits

Time Period	LAeq, 15 mins (dB)	LAFmax, 5 min (dB)
Daytime – 0700 to 1900	50	-
Evening - 1900 to 2300	45	-
Night – 2300 to 0700	40	61

### Octave band noise limits

Time Period	Frequency (Hz)								A
	63	125	250	500	1k	2k	4k	8k	
Day (0700 – 1900)	57	40	41	45	47	37	30	31	50
Evening (1900 – 2300)	51	37	37	40	42	32	23	27	45
Night (2300 – 0700)	43	32	32	33	33	24	27	31	40

- (6) Prior to the use of the building hereby approved commencing an air quality screening and assessment report must be submitted to the Local Planning Authority for its agreement and written approval. The screening and assessment must detail all emission points, mitigation techniques and emission standards. The assessment must satisfy Condition 2.19 of the LDO and the development shall be carried out as per this approval.
- (7) Emissions from the activities (including those associated with the commissioning the plant, waste disposal and treatment of waste water) shall be free from odour at levels likely to cause harm to amenity outside of the site, as perceived to constitute a statutory nuisance by an authorised officer of Broadland District Council. The operator shall use appropriate measures to prevent or where that is not practicable, to minimise odour.
- (8) The use hereby approved shall not commence until details of any floodlighting have been submitted to and approved by the Local Planning Authority. The equipment shall then be installed, operated and maintained in accordance with the approved details.
- (9) The buildings hereby approved shall not be brought into use until the processing building shown on drawing no: 5940/059 (sheet 2 of 2) received on 6 August 2018 has been constructed and brought into use.

#### Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.

- (3) To ensure the satisfactory appearance of the building in accordance with Policy GC4 of the Development Management DPD 2015 and to assist with the landscape and visual impacts of the proposals as set out in the Environmental Statement submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- (4) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (5) To safeguard residential amenity in accordance with Policy GC4 of the Development Management DPD 2015.
- (6) To provide adequate protection to the natural environment and to safeguard residential amenity in accordance with Policy GC4 of the Development Management DPD 2015.
- (7) To provide adequate protection to the natural environment and to safeguard residential amenity in accordance with Policy GC4 of the Development Management DPD 2015.
- (8) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (9) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management Plan DPD 2015.

### Plans and documents:

Dwg. No.5940/060 (sheet 2 of 2) Rev. D – Proposed location plan, received 6 August 2018

Dwg. No. 5940/059 (sheet 1 of 2) Rev. F – Proposed site plan, received 6 August 2018

Dwg. No. 5940/059 (sheet 2 of 2) Rev. F – Proposed elevations, received 6 August 2018

Dwg. No. 5940/061 (sheet 1 of 1) Rev. D – Proposed site plan site services, received 6 August 2018

### Informative:

An Environmental Statement has been submitted in support of the planning application and under the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the significant effects of the proposed development on the environment are landscape and visual impacts. The Local Planning Authority conclude that the proposals have had regard to the environment, character and appearance of the area by the



submission of the detailed Landscape Visual Impact Assessment together with the design of the proposals, the proposed colourway treatment to assist with blending the upper parts of the mill building with the skyline and the location of the taller buildings in proximity to retained trees to the south and east of the proposals. Although it is noted that there is an impact on the character and appearance of the surrounding area particularly in proximity to the proposed milling building and silos before the strategic landscaping planting becomes established, this does not significantly and demonstrably outweigh the economic benefits of approving this application. The impact further from the proposals are classified as moderate which will reduce to minor neutral once the strategic landscaping planting becomes established.

Condition 3 is imposed to require that details of all external materials including the colour finish of the cladding to the milling building is approved by the Local Planning Authority as the colourway finish of the upper part of the mill building is directly related to the visual appearance of the mill building, this is considered to relate to the stated significant environmental effects of the development on the environment. None of the other conditions imposed are considered to relate to the stated significant environmental effects of the development on the environment.

There are no additional monitoring measures required which relate to the stated significant environmental effects of the development on the environment in this case.

*The meeting closed at 10:30am*