

# Planning Committee

## Minutes of the meeting held on 08 November 2019

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## Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Jacquie Burgess, Julie Brociek-Coulton, Bill Dickson, Andree Gee, Lana Hemsall, Tim Jickells, Bruce Keith, James Knight, and Vic Thomson.

## In attendance

Natalie Beal – Planning Policy Officer, Sandra Beckett – Administrative Officer (Governance), Kayleigh Judson – Heritage Planning Officer (Minute 13), Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning.

## 1. Apologies and welcome

The Chairman welcomed everyone to the meeting.

**Apologies** received from Fran Whymark.

### Openness of Local Government Bodies Regulations 2014

The Chair gave notice that the Authority would be recording the meeting in accordance with the Code of Conduct, with the Authority retaining the copyright. No other member of the public indicated that they would be recording the meeting.

## 2. Declarations of interest and introductions

Members and staff introduced themselves. Members provided their declarations of interest as set out in Appendix 1 to these minutes in addition to those already registered.

## 3. Minutes of Planning Committee meeting held on 11 October 2019

The minutes of the meeting held on 11 October 2019 were approved as a correct record and signed by the Chairman subject to the inclusion of apologies received from Julie Brociek-Coulton.

## 4. Points of information arising from the minutes

**Greater Norwich Local Plan** – The Head of Planning provided an update on the development plan jointly being prepared by Norwich City, South Norfolk and Broadland District Councils. The Broads Authority is a partner in the group and provides comments but is not involved in developing the plan. It was originally anticipated that the public consultation would take place this September but this has had to be delayed until early in 2020. This six-month delay would result in a later submission for public examination and an overall slippage in the procedures by a year. Officers would keep the Committee updated on progress and bring to its attention any significant revisions which could affect the Authority's area.

## 5. To note whether any items have been proposed as urgent business.

There were no items of urgent business.

## 6. Chairman's announcements and introduction to public speaking

**Public Speaking:** The Chair stated that there would be no public speaking as there were no planning applications to consider.

## 7. Requests to defer applications and/or vary the order of the agenda

No requests to defer or vary the order of the agenda had been received.

## 8. Applications for planning permission

There were no planning applications to consider.

## 9. Enforcement item for consideration: Blackgate Farm, High Mill Road, Cobholm

The Head of Planning provided a detailed report concerning unauthorised development that had taken place at Black Gate Farm, Cobholm, a site adjacent to the A47, north of the Gapton Hall Retail Park, Cobholm island as well as looking out on to the marshes and Breydon Water. The site was outside the development boundary, not in a Conservation Area and was in Flood Risk Zone 3. Operational development had taken place with the laying of asphalt on the entire curtilage of a large residential detached bungalow. The entire site was bounded by 2m high boundary wall and fences. The asphalt was laid to provide 14 plots for the standing of static caravans for which infrastructure was in place. 7 of the plots already had static units in residential use in place. This also represented change of use for which planning permission was required.

The Head of Planning set out the planning issues making particular reference to the Authority's Enforcement Plan adopted on 8 July 2016 and emphasising the consideration to be given to whether the unauthorised development was capable of being made acceptable and, if unacceptable, the expediency of taking enforcement action.

The Head of Planning gave detailed attention to assessing the development and concluded that it was unacceptable as it conflicted with the in-principle policy of DM35, policies SP15 sustainability, DM5 flood risk, and DM23 highways and could not be made acceptable. The expediency of taking action was given detailed consideration relating to the harm resulting from the development, the impact of the development, the impacts and costs of taking action, as well as proportionality and consistency. The preferred approach was always to seek to negotiate a solution. The Head of Planning emphasised that officers had been in

discussions with the landowner over a period of two years. However, over the last 9 months, the approaches both formal and informal had not elicited a response and there was no realistic prospect of a negotiated solution. Despite being advised by the landowner's agent that a planning application seeking retrospective consent would be submitted, none had yet been received.

It was noted that the landowner was a traveller and the intention for undertaking the unauthorised development was to provide a site for his family to use as a private traveller facility. This was a significant material consideration and it was therefore necessary to consider the matter in association with the NPPF and the Authority's policy DM36 relating to Gypsies and Travellers and Travelling Show People which had been through a thorough process in developing the Local Plan for the Broads, adopted in 2019. The assessment had shown that within the Authority's area there was not a need for traveller pitches and whilst the Authority was required to have and to apply a policy to cover sites that might arise, in this case due to the unsuitability of the location, the impact on the highways network and the high flood risk, the development did not meet the criteria of the policy.

The Head of Planning concluded that although the site did not have a significantly detrimental impact on either the character or appearance of the Broads, the other matters of adverse impact on the highways network resulting from the use of the access to the site, the location being within the highest flood risk zone and not suitable for residential use and in an unsustainable location, all weighed against the development and made it unacceptable. Whilst the ethnicity of the landowner and the purpose of the development was a material consideration, it could not be given significant weight due to the outstanding constraints of the site.

Human Rights were also integral to the assessment and were given significant consideration. It was noted that the rights of individuals did not over-ride the needs to comply with laws within that society. Having considered the expediency of the case as well as the material considerations and human rights, the Head of Planning recommended that enforcement action be authorised.

Members were particularly mindful of the complexities of the situation and concerned about the sensitivity of the matter. They considered that the key considerations included the material considerations, Policy DM 36 and human rights. They expressed appreciation for the detailed report, recognised the difficulties, and acknowledged that the need had been assessed as well as the planning policies thoroughly addressed.

Members sought clarification on the process. The Head of Planning explained that authority to take enforcement action provided a focus and means of negotiating with the landowner to seek a solution. Before any Notice was served, officers would endeavour to engage with the landowner, to explain the course of action the Authority would be taking, and detail the options open to the landowner. They would also engage and liaise with the Gypsy and Traveller Liaison Officer and colleagues at Great Yarmouth Borough Council. If a resolution could not be reached, an Enforcement Notice would be prepared. Once issued it would take 28 days to take effect, with a compliance period after that. Negotiations could still be

ongoing. The landowner would be able to appeal against the notice. If the landowner had taken no action to comply with the Notice within the stated time, it would be open to the Authority to take direct action or prosecution. However, the process would take some time and members would be updated each month through the Enforcement update schedule.

Members were mindful that as a planning authority it was important to work within the planning policies adopted and to uphold the planning system, otherwise they would be failing in their duty. They considered it important to be objective, to retain integrity as well as be proportionate and consistent. They concurred with the Head of Planning's conclusions.

Jacque Burgess proposed, seconded by Bill Dickson to authorise taking enforcement action.

However, Members were particularly concerned that there should be a stay on serving any Enforcement Notice until all options of engaging with the landowner had been taken. Following further discussion and an amendment to the recommendation,

**It was resolved** by 10 votes to 0 with 1 abstention

**to delegate authority to the Head of Planning to serve an Enforcement Notice, following liaison with the landowner at Blackgate Farm, Cobholm to explain the situation and action.**

## 10. Enforcement Update

The Committee received an updated report on enforcement matters previously referred to Committee. Further updates were provided for:

**Former Marina Keys, Great Yarmouth** – planning permission for BA/2019/0118/FUL had been granted on 5 November 2019 following the completion of the Section 106 Agreement.

**Land at the Beauchamp Arms Public House, Carleton St Peter** – monitoring was ongoing.

## 11. Consultation documents update and proposed responses: Minerals and Waste Local Plans.

The Committee received a report providing planning policy consultations from Norfolk County Council and Suffolk County Council on their Minerals and Waste Local Plans.

Members appreciated the detailed work in preparing the consultation response, including typing errors, and considered these important for submission to the consulting organisations. They requested that in future, in preparing the report, the Planning Policy Officer also draw attention to the key issues for their consideration.

**It was resolved to note the report and endorse the nature of the proposed responses.**

## 12. Annual Monitoring Report 2018 -19, 5-year land supply and self-build exemption

The Committee received the Annual Monitoring Report for the 2018-19 financial year. This assessed the progress of the Development Framework/ Local Plan 2011 during this period of

time and covered both planning policy and development management. The report also covered the progress against the Local Development Scheme and work undertaken under the auspices of Duty to Cooperate as well as the types of planning applications approved, appeals and decisions of appeals. The Planning Policy Officer emphasised that since the Local Plan for the Broads was adopted in May 2019, the next AMR would be very different to 2018-19 since it would include the monitoring indicators set out in the adopted plan. She explained that some amendments were required to the figures on page 10 of the report. These would be included in the report to be placed on the website.

The Planning Policy Officer also referred to the 5-year land supply at Appendix B and the self-build exemption at Appendix A of the AMR. She explained that there were two methods in determining the 5-year land supply and both provided these for the Authority as favourable. If there were different ways in calculating this, members would be provided with a future report.

The Authority had been given an exemption for Self-Build from the Department of Communities and Local Government for base period 2. It was now necessary to check on base periods 3 and base period 4.

**It was resolved to endorse the Annual Monitoring Report, 5-year land supply statement and self-build exemption update.**

### **13. Heritage Asset Review Group role and membership**

The Committee received a report on the role and membership of the Heritage Asset Review Group (HARG), which in the past had proved to be a very useful member advisory group. The membership of the group was a decision for the Planning Committee. The Chair and Vice-Chair of the Planning Committee were automatically members of the Group and since there had been changes to the Planning Committee membership following the annual meeting of the Broads Authority in July, Members were invited to consider the appointment of new members to HARG for 2019/20. It was noted that other Planning Committee members were also welcome to attend meetings.

Members noted the advisory role of HARG as it addressed specific and detailed issues relating to the historic environment in the Broads including the Listed Buildings, Buildings at Risk, Conservation Area Appraisals, the Local List as well as progress on larger projects such as the Landscape Partnership Water Mills and Marshes. It was proposed that the meetings be held quarterly to discuss and progress these issues. The meetings would be held directly following the Planning Committee meetings and the Group would report to the subsequent Planning Committee.

The Committee welcomed Kayleigh Judson as the Heritage Planning Officer who would be directly involved with HARG together with the new Heritage Environment Manager due to join the Authority shortly. Members wished to pass on their appreciation to Ben Hogg for all the work he had done as Heritage Environment Officer and detailed involvement in the Water Mills and Marshes project.

**It was resolved**

- (i) that the membership of HARG be as follows: Melanie Vigo di Gallidoro – Chair of Planning Committee, Bruce Keith – Vice-Chair of Planning Committee, plus Julie Brociek-Coulton, Harry Blathwayt, Bill Dickson and Tim Jickells;
- (ii) to hold quarterly meetings with the first meeting to be following the next Planning Committee meeting on 6 December 2019 and
- (iii) HARG to appoint its Chair and Vice – Chair and Heritage Champion.

## **14. Appeals to the Secretary of State**

The Committee received a schedule of appeals to the Secretary of State since 11 January 2019. Members noted that the last 4 appeals had all been dismissed, which was a welcome ratification of the Authority's planning process.

**It was resolved to note the report.**

## **15. Decisions made by officers under delegated powers**

The Committee received a schedule of decisions made by officers under delegated powers from 25 September to 25 October 2019.

**It was resolved to note the report.**

## **16. Circular 28/83 Publication by Local Authorities of information about the handling of planning applications**

The Committee received a report on the development control statistics for the third quarter ending 30 September 2019. It was noted that the determination targets had been met this quarter, which was welcome as these had been missed in the two previous quarters due to turnover in staff.

**It was resolved to note the report.**

## **17. Date of next meeting**

The next meeting of the Planning Committee would be held on 6 December 2019 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich. This will be followed by a meeting of the Heritage Asset Review Group.

The meeting ended at 12.25pm.

Signed by

Chairman

# Appendix 1

## Declaration of interests Planning Committee, 08 November 2019

Member	Agenda/minute	Nature of interest
James Knight	14	Appellant for Appeal to SOS against BA refusal on BA/2019/0214/FUL