

Planning Committee

Minutes of the meeting held on 13 September 2019

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Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Bill Dickson, Lana Hempsall, Tim Jickells, Bruce Keith, James Knight (Up to and including Minute 14)

In attendance

Natalie Beal – Planning Policy Officer (Up to and including Minute 14) Sandra Beckett – Administrative Officer (Governance), Steven Bell – Solicitor and Monitoring Officer, Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning, Marie-Pierre Tighe – Director of Strategic Services.

1. Apologies and welcome

The Chairman welcomed everyone to the meeting.

Apologies received from Jacque Burgess, Julie Brociek-Coulton, Andree Gee, Tristram Hilborn and Fran Whymark

The Chairman welcomed Lewis Treloar, the newly appointed Waterways and Recreation Officer as an observer.

Openness of Local Government Bodies Regulations 2014

The Chair gave notice that the meeting would be recorded 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. Copies of the recordings were available on request from the Governance team.

A Member queried why the recordings were not put on the website immediately after the meeting as he considered this would make it more accessible to all. The Director of Strategic Services replied that it had been the Broads Authority's decision not to do this.

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 16 August 2019

The minutes of the meeting held on 16 August 2019 were approved as a correct record and signed by the Chairman subject to noting that Vic Thomson had apologised and was not in attendance.

4. Points of information arising from the minutes

Minute 8(1) 19 July Application BA/2019/0118/FUL Former Marina Quays, Port of Yarmouth Marina, Caister Road, Great Yarmouth: The Head of Planning referred to an email that had been sent to all members advising them of the fire to the main building and subsequent liaison with Great Yarmouth Borough Council over the appropriate course of action and that it had been agreed that the remainder of the building should be demolished.

The planning permission had not yet been issued due to the need to complete the Section 106 Agreement which was in preparation. The planning application approved by the Committee had included the conversion of the former Marina Quays building and therefore there would need to be an application for a variation of the original application. Members would be kept informed.

5. To note whether any items have been proposed as matters of 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 applications to consider.

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

Item 13 Water Safety Guide: The Chair stated that the Navigation Committee had requested legal advice on liability concerning the Water Safety Guide and therefore this was deferred. The guide would be presented to the Committee at a later date.

8. Applications for planning permission

There were no applications to consider.

9. Enforcement Update

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

Former Marina Quays: The Head of Planning referred to Minute 4 above.

Land at Beauchamp Arms Public House, Ferry Road, Carleton St Peter: Monitoring of the site was continuing.

Members were pleased to note that dates were now included in the schedule when action had been taken and reported.

It was resolved to note the report.

10. Consultation: Draft Statement of Community Involvement

The Committee received a report on the Draft Statement of Community Involvement (SCI), which had been reviewed and updated since it was last adopted in 2014, in line with the requirement for a review every five years. The SCI set out how the Authority will engage with

stakeholders and the local community in the production and review of the Broads Local Plan and Broads Plan, and in the planning application process. Although there was no requirement to consult on the SCI, the Authority previously did so and it was proposed to continue with this approach. The aim was to give stakeholders the opportunity of suggesting alternative ways to communicate and involve them. The consultation period of 8 weeks on the draft SCI would be from 27 September to 22 November 2019 (subject to approval by Broads Authority). There were no major changes since the previous publication although it did include additional information about General Data Protection Regulations (GDPR) and some sections had been re-worded to make things clearer. The final draft SCI together with consultation responses to the consultation, would be presented to Planning Committee and subsequently to the Broads Authority for adoption.

It was suggested that the review of the SCI take place before the review of the Local Plan. The next review of the Local Plan was due in 18 months' time. This suggestion was noted and logged for action nearer the time of the review of the Local Plan. Some members also suggested that the changes to any consultation documents be highlighted by track changes. In terms of future consultation documents, in response, it was clarified that in some cases this would be possible. However, given the number of consultation stages through which the Local Plan processed, this would not always be appropriate or practical. In these instances, a summary document of the changes would be more appropriate. In terms of documents like the SCI and Flood Risk SPD, considering the age of the documents being reviewed and that stakeholders and indeed the membership of the Planning Committee and Broads Authority had changed, it was decided to not highlight the changes but send out the documents as they were presented so the entire documents could be considered.

Members noted that the consultation list was very comprehensive. This was regularly reviewed and officers were satisfied with the extent and quality of the consultation responses received.

A member suggested that instead of links in the covering report to the main documents for consultation, listed as appendices, these be included as part of the whole agenda. Officers would look into this.

It was resolved to endorse the draft SCI and recommend that the Broads Authority approves the SCI and permits public consultation.

11. Consultation: Draft Marketing and Viability Supplementary Planning Document (SPD)

The Planning Policy Officer commented that now the Broads Local Plan had been adopted, it was considered that some policies would benefit from supporting guides or Supplementary Planning Documents (SPDs) to help with their interpretation and implementation. The first of these was the Draft Marketing and Viability SPD designed to provide guidance for those policies where marketing and viability assessment was required for proposed schemes that promoted something different to the adopted policy. It was proposed that the Authority

consults on this draft SPD (together with other documents) for an 8-week period between 27 September to 22 November 2019.

A member expressed several concerns about the document particularly about the interpretation and definition of viability. He considered that the criteria and requirements of the assessments were too onerous and prescriptive. He considered that a 12-month period was too long and could negatively affect businesses and properties within the Broads area, particularly small businesses. In addition, the reference to a longer period of 18 months, if the market was stagnant was also onerous. The definition of stagnant also required clarification. He therefore suggested that the document should not be published for consultation in its present state but required further discussion.

The Planning Policy Officer and Head of Planning commented that the policies requiring viability and marketing assessment were already included within the recently adopted Local Plan which had been through a number of consultations as well as rigorous examination by the Planning Inspector. The time period of 12 months was included within those policies. The proposed draft SPD set out how to apply those policies. The only way to alter the policies was through the local plan process. There might be a requirement for more flexibility and therefore the purpose for consulting on the draft SPD was to gauge response.

Some members expressed sympathy with the concerns and considered that further clarification was needed. They were also mindful of the Authority's core purposes and objectives in relation to protecting the environment, the landscape and navigation, as well as the economic and social fabric of the area. Members debated proceeding with the consultation and ensuring that it involved a wide group of stakeholders in order to obtain as much relevant expertise and input as possible as well as highlighting certain areas within the document with some specific questions to identify where comments would be most welcome. It was suggested that following consultation, the comments should be collated, proposed responses and potential amendments to the SPD prepared and a further report setting this out presented to Planning Committee for full discussion. It was suggested that the report could be discussed in a workshop type format. Following that session, an amended SPD would be agreed with the potential for it to go out to consultation again if required. A member suggested that it would be useful to understand the scale of potential businesses or properties which might be affected.

Tim Jickells proposed, seconded by Bruce Keith and

It was resolved by 6 votes to 1 against

- (i) to endorse the draft Marketing and Viability SPD for consultation and recommend that the Broads Authority approves the draft SPD for public consultation.**
- (ii) The Planning Committee to consider a further report following the consultation which included the comments received, proposed responses and potential amendments to the SPD. Consideration to be given to having a specific workshop style format.**

12. Consultation: Draft Flood Risk SPD

The Committee received the reviewed and updated Flood Risk SPD to support and help interpret the policies within the newly adopted Broads Local Plan 2019. The Flood Risk SPD adopted in 2017 needed reviewing as the original policy it was based around was no longer in place. Historic England, the Environment Agency and Natural England had all been consulted on the screening of the SPD, their responses being set out in the document's Appendix H. They had considered the amended SPD was unlikely to result in any significant environmental effects and would provide further guidance on the existing policies within the Local Plan. Therefore, they had all concurred that the Flood Risk SPD did not require a specific Strategic Environmental Assessment to be undertaken. It was noted that the Environment Agency, both lead Local Flood Authorities and Anglian Water Services had been involved in the review of the SPD and their comments had been taken on board when drafting the amended Flood Risk SPD.

It was resolved unanimously to endorse the draft Flood Risk SPD and recommended that the Broads Authority approves it for public consultation.

13. Safety by the Water Guide (Draft) Deferred

The item was deferred to seek legal advice. (See Minute 7 above)

14. Extinguishment of Public Rights of Way

The Committee received a report about the need to extinguish a number of Public Rights of Ways (PROWs) which had been diverted as a consequence of the completion of the Broadland Flood Alleviation Project (BFAP) works. The report set out the effect of the work on the PROWs, the current position on the PROW diversions from the BESL works, the principle of extinguishment, the process and financial implications.

The Head of Planning explained that the BFAP's aim was to strengthen existing flood defences, replacing areas of protection in poor condition and providing new protection where the integrity of existing defences was threatened. Where this work required the relocation of a flood bank, it was necessary to reroute the associated PROW or permissive path on the line of a new bank and formally extinguish the original footpath. Illustrations of the various types of work were provided. The current position following BESL's works in carrying out the BFAP was the need to divert sections of PROW in 13 locations. The process for the legal diversion using dedication agreements had been completed for seven sections. The process for the legal diversion of the remaining six PROWs was underway.

The BFAP was due to end in May 2021 and the responsibility for flood defences would revert to the Environment Agency, with the County Councils taking on the maintenance and management of the PROWs. One of the final tasks was to complete the PROW diversions and extinguish those routes that were no longer relevant.

Members considered the costs involved and the parties to bear those costs for the necessary legal processes to be carried out, BESL having agreed to contribute. The Head of Planning

commented that Norfolk County Council had suggested that there were alternative ways to manage the process for extinguishment that could reduce the costs and officers would continue discussions with both Norfolk County Council and the Environment Agency in this regard. Members agreed that a pragmatic approach should be taken to finalise and conclude these as part of the completion of the whole BFAP. The benefits of concluding the diversions would not only be for the parties involved such as landowners, BESL as the contractors for the project, Norfolk County Council, and the Authority but also the Broads area generally and the wider public, especially those using the footpaths.

Tim Jickells proposed, seconded by Harry Blathwayt and

It was resolved unanimously to endorse the preparation of Public Path Extinguishment Orders for the PROWs which have been diverted under the BFAP and refer this to the Authority for approval at its meeting on 27 September 2019.

15. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since 11 January 2019. Particular attention was drawn to:

Appeal Re **BA/2018/0364/COND Riverdale Cottage adjacent to The Ice House, the Shoal, Instead**. The appeal was against refusal to remove the planning condition which stipulated the use of particular cladding materials. The decision by the Inspector had been welcomed by the Authority as it related to an enabling development in association with a listed property. Following a number of appeals at other locations having been allowed, thereby enabling the use of upvc, the Authority had reviewed its approach to ensure that it took a site-by-site approach and paid particular regard to the local context. In the case of the Ice House, it was pleasing that the Inspector had upheld the Authority's views.

Appeal Re **BA/2018/0460/FUL Wayford Marina**, the two outstanding issues as to why the application had been refused concerned highways and landscaping. The Authority had now agreed a landscaping scheme with the applicant/appellant and submitted a Statement of Common Ground covering this. Therefore, this left highway concerns to be resolved and considered as part of the appeal.

It was resolved to note the report.

16. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 6 August to 28 August 2019.

It was resolved to note the report.

17. Circular 28/83: Publication by Local Authorities of information about the handling of planning applications Quarter

The Committee received the development control statistics for the quarter ending July 2019. It was noted that although the Authority had met the targets for major applications, it had just fallen short of the targets for the minor and other applications. This was partly due to dealing with the end of a backlog of applications, but also the relatively small number of actual applications being dealt with which meant that one or two applications could have a disproportionate impact.

It was resolved to note the report.

18. Date of next meeting

Members of the planning committee were required to attend two training sessions per year. Given that a number of members were not able to attend the scheduled training following the 13 September meeting, it was agreed that the training be deferred possibly until the following meeting. It was agreed that the training would begin at 9.30am before the Planning Committee, for one hour, the date being subject to the availability of the Solicitor.

The next meeting of the Planning Committee would be held on Friday 11 October 2019 starting at **10.30 am** at Yare House, 62- 64 Thorpe Road, Norwich, different to that originally published.

The meeting ended at 12.14 pm

Signed by

Chairman

Appendix 1

Declaration of interests Planning Committee, 13 September 2019

Member	Agenda/minute	Nature of interest
Harry Blathwayt	12 General	Member of Internal Drainage Board
James Knight	3	Minutes of Planning Committee 16 August 2019 Application BA/2019/0214/FUL (Applicant)
James Knight	12 General	Member of Internal Drainage Board