

Planning Committee

Minutes of the meeting held on 08 January 2021

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Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Stephen Bolt, Bill Dickson, Andree Gee, Gail Harris, Lana Hemsall, Tim Jickells, Bruce Keith, James Knight, Leslie Mogford, Vic Thomson, Fran Whymark.

In attendance

Natalie Beal – Planning Policy Officer, Essie Guds – Governance Officer (Moderator), Sarah Mullarney – Governance Officer (Moderator), Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning, Marie-Pierre Tighe – Director of Strategic Services, Sara Utting – Governance Officer (minute taker) and Tony Wilkins – Planning Officer (Compliance & Implementation)

Members of the public in attendance who spoke

None

1. Apologies and welcome

The Chairman welcomed everyone to the meeting.

Openness of Local Government Bodies Regulations 2014

The Chairman explained that the meeting would be held remotely in accordance with the Coronavirus Regulations 2020 and the Standing Orders for remote meetings agreed by the Broads Authority on 22 May 2020. The meeting would be live streamed and recorded and the Authority retained the copyright. The minutes remained the record of the meeting.

2. Declarations of interest and introductions

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

3. Minutes of last meeting

The minutes of the meeting held on 4 December 2020, as amended by a correction which had been previously circulated, were approved as a correct record and would be signed by the Chairman.

4. Points of information arising from the minutes

There were no points of information arising from the minutes.

5. Matters of urgent business

There were no items of urgent business

6. Chair's announcements and introduction to public speaking

Public Speaking: The Chair stated that public speaking was in operation in accordance with the Authority's Code of Conduct for Planning Committee.

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

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

8. Applications for planning permission including matters for consideration of enforcement of planning control

The following minutes relate to additional matters of information or detailed matters of policy not already covered in the officer's report, which were given additional attention.

(1) BA/2017/0035/ENF – Enforcement at Brograve Marshes, Coast Road, Waxham Unauthorised development comprising the excavation of a scrape of land

The Head of Planning (HoP) introduced her report on the unauthorised development which had taken place comprising the excavation of a scrape on land a Brograve Marshes. The HoP also provided a detailed presentation, including photographs of the site. An appeal against the refusal of planning permission to retain the scrape had been dismissed in December 2020 and the site would need to be restored.

The site was within the North Norfolk Area of Outstanding Natural Beauty (AONB) and surrounded by Ramsar sites, Special Protection Area, Special Areas of Conservation and Sites of Special Scientific Interest.

It was noted that officers had been in protracted discussions with the landowner/agent on how to resolve the matter since they first became aware of the scrape in late 2017, including a planning application to retain the feature and what might be an acceptable landform, through to 2019. It became apparent in February 2020 that there was no prospect of a negotiated resolution. The appeal against the refusal of planning permission was submitted in July, just before the six month period expired.

In assessing how to take this matter forward, members took into consideration whether the unauthorised development was acceptable in planning terms; whether it was capable of being made acceptable or whether it was unacceptable and accordingly, the expediency of taking enforcement action. In addition, Members were mindful of planning law which stated that, if unauthorised development persisted for four years without any formal action being taken against it, it became immune from enforcement action. This meant that, should restoration be delayed, for whatever reason, there was a risk that the development would become immune from enforcement action simply by the passage of time (late 2021). However, this risk could be addressed by the serving of an Enforcement Notice which would "stop the clock".

In response to a question, the HoP confirmed that planning officers had referred to the conservation team for guidance on how and what works needed to be done, following the receipt of the Planning Inspector's decision. The schedule of works would include the temporary stopping up of the dyke which emptied into the scrape; bunds to be moved in phases to control water levels to facilitate a phased infilling; management of the materials used to ensure they were spread evenly and whether any additional material would be

needed. Due to the nature of the soil (peat) this would initially decompress but would rise again.

Due to conflict with policies SP7 and DM16 of the Local Plan, as well as paragraph 172 of the NPPF, the unauthorised development was considered to be unacceptable due to its impact on the landscape.

It was accepted that infilling of the scrape would not be straightforward as the marsh was wet until late in the year and care would need to be undertaken to avoid breeding birds and not to compromise the soil structure. The agent had confirmed that this could not be undertaken until May 2021 at the earliest.

Members acknowledged that this was a case which had been characterised by delay and negotiations which achieved no resolution and therefore, a more formal approach was required through the serving of an Enforcement Notice setting out that was required to be done to remedy the breach. They noted that this action would not preclude the landowner coming forward with a revised scheme for a lesser restoration.

James Knight proposed, seconded by Tim Jickells and

It was resolved by 10 votes in favour and three abstentions (two members having lost connection for a part of the item) to serve an Enforcement Notice with a compliance deadline of 31 August 2021.

9. Enforcement update

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

former Marina Keys, Gt Yarmouth: officers unable to visit site since last meeting, therefore no update.

land at the Beauchamp Arms PH: landowner responded to PCN after 10 December, querying why the information was needed. Advised it was a legal requirement and granted an extended time period to provide (4 January 2021). No further response received as at 7 January 2021 so issued with a final letter requesting information to be submitted within seven days prior to legal action being considered.

Blackgate Farm, High Mill Road, Cobholm: appeal hearing scheduled for 9 February 2021.

Ditchingham Maltings: committee received a visual presentation by the Planning Officer (Compliance and Implementation) on the completed landscape scheme. All work had been completed satisfactorily and the enforcement case was now closed.

land east of North End, Thorpe next Haddiscoe: to date, no response had been received to the PCNs served on 8 December 2020.

The report was noted.

The Committee adjourned at 11.13am and reconvened at 11.22am.

10. Consultation Responses

The Planning Policy Officer (PPO) introduced the report, which provided proposed responses to two planning policy consultations received by the Broads Authority – the Beccles Neighbourhood Plan and the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Development Plan.

In response to a question on the future of Neighbourhood Plans, the PPO advised that these were referred to in the recent “Planning for the Future” White Paper, with an increased emphasis on design. The Regulations were clear that NPs could not stop development or seek to reduce housing numbers but were a way for local issues to be addressed in local development. In her experience, NPs were generally well-written and the policies generally acceptable and were a good way of getting local people involved. The PPO advised that comments were made on the Plans, mainly to help clarify them and ensure that Development Management Officers could use them easily. The vast majority relevant to the Broads did not tend to include housing and if they did, the housing tended to be within local authority boundaries and not in the area of the Broads Authority. Furthermore, many NPs now included projects for communities to work towards and also have policies that addressed the Dark Skies initiative.

The Chair asked if Members were happy to endorse the recommendations and unanimously

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

11. Filby Neighbourhood Plan – agreeing to consult

The Planning Policy Officer (PPO) introduced the report, which sought agreement for public consultation to go ahead on the Filby Neighbourhood Plan. Members were advised that the Broads Authority was a key stakeholder and therefore, able to comment on the Plan. It was anticipated that a report would be presented to the next meeting of the Committee for endorsement of the suggested response.

In response to a question on whether consultation could be carried out satisfactorily under the current Covid-19 restrictions, the PPO commented that the district councils led on consultation and would use a variety of factors such as email and provide paper copies. She emphasised that the planning function needed to continue despite the lockdown.

The Chair asked if members were happy to endorse the recommendation and unanimously

It was resolved to note the report and endorse the proposed response.

12. Rollesby Neighbourhood Plan – agreeing to consult

The Planning Policy Officer (PPO) introduced the report, which sought agreement for public consultation to go ahead on the Rollesby Neighbourhood Plan. Members were advised that the Broads Authority was a key stakeholder and therefore, able to comment on the Plan. It was anticipated that a report would be presented to the next meeting of the Committee for endorsement of the suggested response.

The Chair asked if members were happy to endorse the recommendation and unanimously

It was resolved to note the report and endorse the proposed response.

13. Appeals to the Secretary of State update

The Committee received a schedule of appeals to the Secretary of State since December 2020. In terms of the barn adjacent Barn Mead Cottages in Coltishall, the Senior Planning Officer advised that the Authority had been notified of a date for the hearing but this has been declined as it did not allow sufficient time to undertake the necessary notifications due to the Christmas/new year break and a new date was awaited.

The report was noted.

14. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 21 November to 11 December 2020.

The report was noted.

15. Date of next meeting

The next meeting of the Planning Committee would be on Friday 5 February 2021 at 10.00am and would be held remotely.

The meeting ended at 11:42am

Signed by

Chairman

Appendix 1 – Declaration of interests Planning Committee, 08 January 2021

Member	Agenda/minute	Nature of interest
Harry Blathwayt	8.1	Site was within his Ward and had had discussions with landowner.
Leslie Mogford	8.1	Member of Internal Drainage Board