

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 7 March 2024 in the Council Chamber - Council Offices at 9.30 am

Committee Members Present:	Cllr P Heinrich (Chairman)	Cllr R Macdonald (Vice-Chairman)
	Cllr M Batey	Cllr P Fisher
	Cllr A Fitch-Tillett	Cllr M Hankins
	Cllr V Holliday	Cllr G Mancini-Boyle
	Cllr P Neatherway	Cllr J Toye
	Cllr K Toye	Cllr A Varley
	Cllr L Vickers	

Substitute Members Present

Cllr M Taylor
Cllr K Bayes

Officers in Attendance: Democratic Services & Governance Officer, Development Management and Major Projects Manager, Lawyer and Assistant Director for Planning

132 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr A Brown.

133 SUBSTITUTES

Cllr L Paterson was present as a substitute for Cllr A Brown.

134 MINUTES

The minutes of the Development Committee meeting held Thursday 25th January, and Thursday 8th February were approved as a correct record.

135 ITEMS OF URGENT BUSINESS

The Chairman confirmed that the applicant had withdrawn planning application PF/23/2102, subsequent to the publication of the agenda, therefore this item would not be considered or determined by the Committee.

136 DECLARATIONS OF INTEREST

None Declared.

137 CATFIELD - PF/21/3414 - CONVERSION OF THE FORMER MILESTONES HOSPITAL TO A RESIDENTIAL DEVELOPMENT CONSISTING OF 21 DWELLING HOUSES AND INTERNAL RENOVATION WORKS THROUGHOUT - AT MILESTONES HOSPITAL, THE STREET, CATFIELD, GREAT YARMOUTH NR29 5BE FOR LION PROPERTIES LTD

Officers Report

The SPO-JB introduced the Officer's report and recommendation for conditional

approval. He outlined the site's location and former history, confirmed existing and proposed elevations and floor plans, and advised that the proposal would result in minimal alterations to the external façade. The application included the provision of 32 parking spaces and turning areas, EV charging, ecological enhancements and financial contribution towards GIRAMS, open space provision, and local infrastructure.

The SPO-JB relayed the key issues for consideration were; Principle of the conversion of the building; Loss of the hospital facility; Affordable housing provision; Design - inclusive of housing density, dwelling mix and type, minimum space standards, external works and landscaping; Amenity - inclusive of disturbance, privacy, lighting, overshadowing, and refuse storage and collection; Flood Risk and Drainage; Highway Safety – inclusive of car parking, network safety impacts, and pedestrian/bicycle access; Ecology and Biodiversity; Heritage; Sustainable construction; Planning obligations and financial contributions.

Public Speakers

Janet Briscoe – Catfield Parish Council
Ben Edwards – Supporting

Local Members

- a. The Local Member – Cllr M Taylor – expressed his firm disappointment with the Local Planning Authority (LPA) in failing to engage with Local Members and the Parish Council in a timely manner. As such, the Local Member refused to consider the merits of the application and advocated the application be deferred. Cllr M Taylor outlined the history of the application and advised he had referred application to Committee in October 2023, subsequently 5 questions were raised by Parish Council and put to the LPA on 2nd November 2023 which remained unanswered for 4 months despite meeting with the Case Officer and follow up emails. He advised a response was only received on Friday, less than a week before the Development Committee meeting. Further, he was only aware that the application was due before Committee following the publication of the agenda and notification by Democratic Services. Cllr M Taylor considered there to be a breakdown in communication from the LPA to Local Members in not advising that the item would be on the agenda or in responding the repeated communication. He considered it deeply concerning that community views were not being properly considered and argued that this reflected poorly on the Council.
- b. The Local Member – Cllr K Bayes – endorsed comments made by fellow Local Member, Cllr M Taylor. He agreed that the LPA had demonstrated a disregard to the questions and concerns raised by the Parish Council. It was a serious concern that Local Members were only notified that the item was on the agenda following its publication and stated that this had broken the trust between the Council and the parish. The Local Member considered that the LPA needed to review how it engaged with Local Members and Parish Councils through a service level agreement to ensure a high standard of service was provided. Cllr K Bayes confirmed that he would not speak to the merits of the application and urged the Committee to defer determination of the application till such time as the Parish Council could provide their response to the 5 questions raised, this was expected within the next 2 weeks.

Committee debate and determination

- a. In response to representations made by public speakers and Local Members, the ADP confirmed an apology had been issued to the Local Members and Parish Council to the lack of a timely response to their communication, along with answers to the 5 questions raised, and apologised again for the service provided. The ADP confirmed that the item was presented to Committee following call in from the Local Member last year, and assured the Committee that the report sufficiently addressed all relevant issues and set out the Parish Council's position on p.36. The ADP advised the usual process had been followed regarding publication and notification of the agenda, and stated it was not usual to notify a Parish Council in advance of the agenda. He confirmed that he had engaged in lengthy discussions with the Director for Place and Climate Change and the Monitoring Officer and advised that all parties were comfortable that the information supplied was sufficient for determination by the Committee. The ADP advised that issues regarding lack of communication would be addressed internally.
- b. The Chairman encouraged the Committee to discuss the item fully in the first instance and to delay making a proposal at the outset. He did not wish to stymie debate or limit decision through an early motion.
- c. Cllr G Mancini-Boyle considered there should be a greater provision of EV charging spaces, he enquired if the application was impacted by guidance.
- d. The SPO-JB advised that the application site discharged outside of the NN catchment area (into the Ludham treatment centre) and therefore was not affected by Nutrient Neutrality restrictions.
- e. Cllr A Varley stated that it was deeply regrettable that the questions raised by the Parish Council were not answered by the Planning Service till days before the meeting and expressed his sympathy with the Local Members. He considered, in light of this issue, there was need to revise existing protocols. Regardless, Cllr A Varley agreed with advice offered by the ADP that there was enough information provided in the Officer's report to form an informed determination. He considered the application was in a suitable location and would form a suitable development, with amenities located within walking distance. He stated that it was regrettable that the viability assessment concluded the provision of affordable homes unviable. Cllr A Varley proposed acceptance of the Officer's recommendation for approval.
- f. Cllr L Vickers considered the Planning Team broadly provided a high level of service, though reflected that no service was without its hiccups or missteps. She considered that whilst there was enough information to make a determination, she was very concerned about the lack of consultation with the community. Cllr L Vickers attempted to propose deferral.
- g. The DSO advised that a proposal for approval had been raised by Cllr A Varley, this was now a live motion which must be debated first before a counter proposal was able to be debated and determined (if at all). Should Cllr A Varley choose to withdraw his proposal, this would allow for a proposal for deferment to be raised.
- h. Cllr A Varley withdrew his proposal. Cllr L Vickers confirmed that she would

refrain from raising a proposal at this time to also enable additional open discussion.

- i. Cllr A Fitch-Tillett noted the concerns raised from Environmental Health Officers about the potential disturbance from adjacent industrial facilities.
- j. Cllr V Holliday stated that she was very disappointed with the lack of affordable homes provision and asked if the Councils independent viability assessor formed their position on the information supplied to them by the applicant, or if they reached their conclusion through other means.
- k. The SPO-JB confirmed the independent assessor used information submitted by the applicant.
- l. Cllr V Holliday expressed her concern about the independent viability assessment. She reflected it was contrary to the ambitions of the council to approve another development without affordable housing provision.
- m. The DM assured the Committee that the Independent Viability assessor critically scrutinised information provided to them.
- n. Cllr J Toye offered his condolences to the applicant's family. He enquired if there was potential scope for the provision of an uplift clause. Cllr J Toye agreed with the ADP that there was sufficient information to form a determination, though acknowledged that there was an issue with due process.
- o. The PL advised that as this was a single-phase development, it would not be possible to introduce an uplift clause.
- p. The DM stated that application could not viably ensure the provision of affordable housing. The Housing Strategy team had been consulted and determined that an uplift clause was not required as it was highly likely it would not be triggered.
- q. Cllr M Hankins asked for details of the 5 questions raised by the Parish Council and the responses offered.
- r. The ADP confirmed that the 5 questions related to matters of; 1. Nutrient Neutrality, 2. Potential re-use of the site for Health-related purposes, 3. Car & Buses, 4. Relationship with the Local Plan, and 5. Affordable Housing. He affirmed that answers were provided to the Parish Council on Friday and concluded that the report addressed the outlined matters.
- s. Cllr L Paterson asked about the number of EV parking spaces and noted a discrepancy between the application form and the officers report.
- t. The SPO-JB confirmed that 32 car parking spaces would be provided inclusive of 4 Accessible spaces and 6 EV spaces.
- u. Cllr L Paterson spoke in support of deferral. He commented that whilst he was usually against deferral, considering it important that informed decisions be made at Committee in a timely manner, he did not consider it fair that the Parish Council's questions had remained unanswered for so long and that they had not been afforded opportunity to meet and respond. He reflected

that protocol needed to be changed and such changes should be implemented with this application.

- v. The ADP considered there to be two separate and distinct issues at play. First, how and when the LPA should notify Members, Parish Councils and the Public when an item would be brought to Committee. The ADP confirmed that both the Ward Members and Parish Council were aware the application was on the agenda shortly after its publication – as was the normal process. Second, was the issue of lack of response to the questions raised, which the ADP agreed that a better service should have been provided.
- w. Cllr P Neatherway considered it important to listen to Parish Councils. He commented that the process felt rushed.
- x. The ADP advised that the application has been with the Council for over 2 years and the Parish Council had commented on the application on three separate occasions, their formal position was set out in the officer's report accordingly. He disagreed this was a rushed decision.
- y. Cllr P Fisher expressed sympathy with the Parish Council and Local Members. Having studied the Officer's report, he did not consider this application any different from those typically presented to Committee, and agreed there was adequate information to form a decision. He asked, should the application be approved that the fence detailed on p.46 be conditioned, this was absent from the proposed conditions list.
- z. The DM confirmed this would be conditioned, subject to approval.
- aa. Cllr K Toye disagreed with the lack of affordable housing provision, further, given the size of the dwellings she considered it likely that they might be purchased for use as holiday accommodation, though accepted it was difficult to predict what people's intentions might be. She enquired how long the former hospital had been closed.
- bb. The DM confirmed the hospital closed in February 2021.
- cc. The Chairman asked the likelihood that a site be needed for this service provision in the near future.
- dd. The DM commented it was challenging for the LPA to comment on the service provision for another authority. The LPA however needed to consider that the proposal had gone through the relevant process of actively marketing for the period required in policy. He recognised that the marketing period of 12 months had not been met, and it had only been marketed for 3 months – which weighed Officer's recommendation to approve. The DM recognised that the former hospital was a unique facility offering mental health services in North Norfolk. He noted that the Council were unable to demonstrate a 5-year Housing Land Supply, this was a material consideration in the determination of the application, and one which Officer's placed greater weight.
- ee. Cllr J Toye proposed acceptance of the Officer's recommendation for approval.
- ff. Cllr A Varley seconded the motion for approval.

- gg. Cllr G Mancini-Boyle asked what measures could be taken to prevent the dwellings from being used as second homes or holiday lets?
- hh. The DM advised there was nothing that the LPA could do at present, in policy terms, to prevent dwellings being purchased and used as second homes. Further, the Parish Council had not implemented a Neighbourhood Plan which would restrict the development of new second homes, as had occurred elsewhere in the district. The DM cautioned that should the Council seek to include a condition regarding use of the dwelling as a holiday lets or second homes, this could be easily challenged by the applicant via appeal. Without policy foundation it would be difficult to justify the Council's decision, especially as such a condition had not been applied elsewhere.
- ii. Cllr M Hankins spoke in support of deferral to allow the Parish Council to meet.
- jj. Cllr L Vickers argued that the Committee should first consider and vote upon deferral of the application, rather than the merits of approving the application.
- kk. The PL was supportive of a motion for deferral being considered ahead of a proposal for acceptance.
- ll. The ADP acknowledged there was a live proposal, made by Cllr J Toye and seconded by Cllr A Varley to support the officer's recommendation for approval. He argued that the same position may be reached whether the vote for acceptance was taken first or the vote for deferral. The ADP invited Cllr J Toye to decide as proposer how he wishes to proceed.
- mm. Cllr J Toye withdrew his proposal to enable a vote for deferral.
- nn. Cllr L Vickers proposed deferment of the application to enable the Parish Council to meet, discuss and communicate their final determination on the application to the Council. Cllr M Hankins seconded the motion.

RESOLVED by 9 votes for, 3 against and 2 abstentions.

That Planning Application PF/21/3414 be DEFERRED.

138 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

- a. The DM introduced the Officer's report and spoke favourably of the Planning Service performance with respect of major and non-major applications, both of which outperformed national and internal targets. He advised that the figures to be presented to the Committee next month would be impacted by recent appeal decisions against the Council, however the performance figures would remain within target range. He affirmed the service continued to be very busy with 260 applications validated within the month.

139 APPEALS SECTION

- a. The DM introduced the appeals report and invited questions from the Committee.
- b. Cllr P Fisher asked if the date in which the enforcement notice was served,

or appeal submitted could be added to the list to better indicate the length of time in which appeals were being held up with the Planning Inspector. This would better demonstrate to the public that the delay was not as a result of the Council. He acknowledged that the appeals in Wells (P.61 of the agenda) had taken several years to determine.

- c. The DM advised that this matter had been raised at the last meeting and Officers were working to introduce a revised report template.
- d. Cllr K Toye enquired the difference between dismissed and quashed.
- e. The PL advised that “dismissed” referred to appeals where the Planning Inspector determined them as unsuccessful (he or she supported the Council.) “Quashed” is where the enforcement notice may have been invalid and so ceases to have effect.
- f. Cllr M Batey asked for an update for the mast application at Holt.
- g. The DM confirmed he would follow up with Officers and feedback accordingly.

140 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 10.38 am.

Chairman