

## **DEVELOPMENT COMMITTEE**

**Minutes of the meeting of the Development Committee held on Thursday, 4 April 2024  
in the Council Chamber - Council Offices at 9.30 am**

<b>Committee</b>	Cllr P Heinrich (Chairman)	Cllr M Batey
<b>Members Present:</b>	Cllr A Brown Cllr A Fitch-Tillett Cllr V Holliday Cllr J Toye Cllr L Vickers	Cllr P Fisher Cllr M Hankins Cllr P Neatherway Cllr K Toye
<b>Substitute</b>	Cllr J Boyle	
<b>Members Present:</b>	Cllr L Withington Cllr L Paterson	
<b>Officers in</b>	Assistant Director -Planning (ADP)	
<b>Attendance:</b>	Development Manager (DM) Principal Lawyer (PL) Senior Planning Officer – JB (SPO-JB) Senior Planning Officer – OL (SPO-OL) Democratic & Governance Officer – Regulatory	
<b>Also in</b>	Cllr K Bayes	
<b>attendance:</b>	Cllr M Taylor	

### **148 TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr R Macdonald, Cllr A Varley, and Cllr G Mancini-Boyle.

### **149 SUBSTITUTES**

Cllr J Boyle, Cllr L Withington and Cllr L Paterson were present as substitutes.

### **150 MINUTES**

The Minutes of the Development Committee meeting held Tuesday, 7<sup>th</sup> March 2024 were approved as a correct record.

### **151 ITEMS OF URGENT BUSINESS**

None.

### **152 DECLARATIONS OF INTEREST**

Cllr V Holliday advised she would abstain from Item 9, application PF/24/0101.

### **153 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 re-introduced the Officer's Report following deferral of the application from the March meeting. This application had been deferred to allow for an additional consultation response from the Parish Council following lack of engagement from Officers. The Case Officer summarised the application and reiterated the key issues for consideration. He provided images of the wider area, site plan, existing and proposed elevations for Magnolia House, Hamilton House and Hamilton Mews as well as photos of the site.

### Public Speakers

Tim Harris – Catfield Parish Council

Ben Edwards – Supporting (Agent for the Applicant)

### Local Member(s)

- a. Cllr M Taylor – Local Member – expressed his dissatisfaction with the lack of communication with Local Residents from NNDC. He was shocked that the document circulated to Members from the agent via the Council, responding to the points raised by Catfield Parish Council, had not been uploaded to the Public Planning Portal and therefore was unavailable to Catfield Parish Council and its residents. The Local Member considered all relevant documents should be uploaded in a timely manner, and stressed this was particularly important ahead of a Development Committee meeting. Cllr M Taylor reflected that the prescribed 12-month advertising period for the site had not been adhered to, with the site only advertised for 3 months during a COVID lockdown, as such he was concerned that the health and social care need had not been properly examined or explored. Having reviewed relevant data, the Local Member confirmed he was acutely aware of the high need for mental health facilities in the district, and more specifically the Broadland corner of the district, noting that the Stalham area had some of the highest number of mental health service referral's comparable to other areas of the district. As such, the Local Member endorsed the retention of the Hospital to meet local need, ensuring mental health care provision for residents was available locally without the need to travel out of the County. Cllr M Taylor reflected that whilst there was a mental health facility in Mundesley, this facility did not meet the level of demand, resulting in 100's of residents being outsourced across the country on a monthly basis. The Local Member noted a recent news article of a hotel in Watton being converted to a mental health facility, such was the demand for mental health facilities.

Cllr M Taylor reflected on the loss of the vital health care facility, employment opportunities, density concerns and absence of affordable housing provision which contributed to a negative planning balance. As the youngest Councillor in the district, he stated he was all too aware of the demand for housing, however he too was keenly aware of the need to protect important community assets. He urged the Committee to refuse the application.

- b. Cllr K Bayes – Local Member – expressed his support for the views expressed by Catfield Parish Council and shared in their concern about the development. Further, he relayed his concern about the process, consistent use and interpretation of established policies in ensuring a fair, balanced

report was provided to Development Committee, which offered members confidence in decision making. He affirmed that he was not opposed to development of the site, nor did he take issue with the developer, but queried the departure from planning policy and procedure. The Local Member took three principal issues with the application. First, the marketing of the site was only for a 3 -month period and did not represent meaningful engagement as the 12-month policy intended, particularly as the 3-month period fell during a Covid lockdown. As confirmed by Dr Jenifer Harris, mental health services were in high demand with patients being sent out of the county to receive specialised support. Further, he noted the EDP article referenced by Cllr M Taylor. Second, Cllr K Bayes considered that the Officers report failed to properly consider and evaluate the economic impact the loss of the facility would have on the local economy. He argued that the 47 roles made redundant with the closure of the facility represented local jobs for local people and a way for young people to access a rewarding profession with development opportunities. Finally, on the matter of affordable housing, the Local Member recognised that the development would not address the desperate local housing need and commented that local people were being priced out of the housing market. Cllr K Bayes urged the Committee to analyse and challenge the applicant's contention that affordable housing would be unviable for this development, as he considered the absence of affordable housing may set a precedent for an opt out of developers offering affordable housing in future. He noted other Local Planning Authorities had refused applications on the grounds of affordable housing.

Cllr K Bayes challenged the Officer's report which he considered lacked balance and robust detail to allow the Committee to make an informed decision, further the lack of marketing did not provide clear evidence that the facility was not required.

#### Members Debate

- a. The Chairman asked Officers to clarify if the facility was privately owned and had nothing to do with the NHS?
- b. The SPO-JB confirmed the facility was privately owned.
- c. Cllr L Paterson confirmed he had queried the loss of jobs at the last meeting, and noted the numbers of redundancies was offered as fact by another Cllr by way of a news article. Whilst he recognised that an independent viability assessment had been conducted, he was dissatisfied with the lack of affordable housing provision. Cllr L Paterson recognised the dire need for affordable homes and referenced the recent Portfolio Holders report at Full Council. He was supportive of the Parish Council's concern regarding parking provision given the rural location, and echoed comments by the Local Members that the marketing period during Covid was especially insufficient. Cllr L Paterson sought confirmation that the development would represent 67% over housing density targets.
- d. The SPO-JB advised that the minimum target with the associated policy was 30 dwellings per hectare, this proposal would represent 50 dwellings per hectare.
- e. Cllr L Vickers asked if the 12-month marketing rule applied to private facilities as well as NHS facilities.

- f. The DM advised that the policy referenced, CT3, does not distinguish between private and public assets. The DM confirmed that it was for the Committee, as decision maker, to weigh such policy deficiency against all other elements of the scheme. Just because one aspect of the scheme was not policy compliant, did not render the whole scheme unacceptable in planning terms. Officers in their determination considered other material considerations tipped the balance in favour of approval.
- g. The Chairman questioned, if the facility was remarketed for the full 12 months, whether it was reasonably likely that the facility would be taken on by a new healthcare provider. He agreed that the 3-month marketing period did raise concerns but acknowledged that the 15 interested providers ultimately did not submit a tender.
- h. Cllr M Taylor asked to speak again. The Chairman advised he would first permit the Committee to speak and then invite to speak the Local Member to speak again.
- i. Cllr L Withington expressed concern about flooding risks and asked for clarity on this matter. Additionally, she considered attention to renewable energy to be poorly developed, which went against the Council's Climate Change ambitions.
- j. The SPO-JB confirmed the Lead Local Flood Authority and Anglian Water had considered the application, and relayed that Anglian Water made no objection. The proposal included the addition of new soakaways and drainage infrastructure across the site. The Case Officer recognised anecdotal descriptions of flooding issues in the area but reiterated that scheme was supported by Anglian Water.
- k. Cllr L Withington questioned the robustness of Anglian Water's advise on surface water drainage given issues experienced elsewhere in the district.
- l. Cllr J Toye thanked Officers for their report. He acknowledged comments made by Parish Council that the application was 'legally flawed' and sought advice from the Principal Lawyer on this matter.
- m. The PL offered her professional opinion and advised that she did not consider the application legally flawed, because although the scheme did not comply with all policies contained in the development plan, it was about considering about all of the development plan policies in the round. She noted that Officer's had referenced this in P.31 of their report. It was reasonable to take a holistic approach, balancing up which policies were complaint against those which were not. The PL confirmed she was satisfied the judgement offered by Officers was legally complaint.
- n. Cllr J Toye referenced the Officer's report with regards policy CT3 and asked if a viability test had been conducted for the business as identified in the policy.
- o. The SPO-JB advised that a viability test had not been received for the operation as a business.
- p. Cllr P Fisher sought confirmation when the business was last in operation.

- q. The SPO-JB advised the facility was closed in February 2021.
- r. Cllr L Withington acknowledged the facility had been closed for some time following receipt of CQC report deeming the Hospital as 'inadequate'. She asked if there were any concerns raised about upgrading the facility, noting that other similar businesses in alternate locations had closed due to complications with improving and bringing to standard old facilities.
- s. The SPO-JB reiterated that 15 parties had expressed an interest in the facility, however declined to submit a tender. He stated he was unable to answer Cllr L Withington's question about the CQC report.
- t. The DM advised that Officers in their assessment took into consideration that the Local Planning Authority were unable to demonstrate a 5-year Housing Land Supply, as such the tilted balance, detailed in the NPPF, was engaged in favour of sustainable development.
- u. Cllr M Hankins considered this was a finely balanced application and recognised both the need for housing and mental health provision. He asked if retention of the facility had been explored through grant funding or the NHS?
- v. The DM was unaware that the NHS had expressed interest in managing the facility. The site was marketed for 3-months, shorter than the prescribed period as established in policy. No tenders were received in this time.
- w. Cllr V Holliday noted that the CQC report did not outline structural concerns.
- x. Cllr J Toye proposed acceptance of the Officer's recommendation. Whilst he was disappointed by the loss of the facility, he recognised those jobs had already gone, and there was no guarantee if re-advertised that the facility would re-open under new management. On balance he was supportive of the Officer's recommendation.
- y. The motion was seconded by Cllr P Fisher.

**RESOLVED** by 7 votes for, 3 against, and 4 abstentions.

**That Planning Application PF/21/3414 be APPROVED in accordance with the Officers recommendation.**

*The meeting was adjourned at 11.15am and reconvened at 11.23am*

**154 CLEY-NEXT-THE-SEA - PF/24/0101 - ERECTION OF DWELLING (REPLACEMENT) AT ARCADY, HOLT ROAD, CLEY-NEXT-THE-SEA FOR MRS G LONGWORTH**

Officers' report

The SPO- OL introduced the Officer's report and recommendation for approval subject to conditions. She outlined the site's planning history and wider context of the site in policy terms. It was noted the swimming pool and pool house were to be retained following the earlier appeal decision. Images of the site were provided as were details of the proposed and existing floor plans and elevations. The Case

Officer confirmed those areas proposed to be retained and demolished and detailed the key issues for consideration as confirmed in the Officer's report.

The SPO-OL advised that Officers acknowledged the long planning history for the site and considered that material considerations weighed in favour of the proposal, and which would justify the granting of planning permission.

### Public Speakers

Jane Platt – Objecting

Tim Schofield – Supporting (Agent for the Applicant)

### Local Member

The Local Member – Cllr V Holliday – thanked the Case Officer for her excellent and comprehensive report. The Local Member reflected that there were various lenses through which to view the application, one important lens being public opinion. She reflected there was intense public interest in the application, unsurprising given its positioning in the landscape across from the historically significant Grade 1 listed Cley Church.

She reflected that the design of the scheme was considered by some to be pleasing and sympathetic with its surroundings and would remediate the existing dwelling, further the reuse of materials was thought to be highly sustainable.

The Local Member noted there were objections relating to the height of the East Block, the majority of this block being considerably higher than neighbouring Holly House. In addition, new concerns were raised with regards roof lights and roofing, and whether this proposal complied with the Planning Inspector's decision.

Cllr V Holliday affirmed that another lens by which to view the application was the Inspector's decision from 2023, which she contended was the most senior opinion for development on this site. The Inspector established the fundamental issues of the current development were mass, land levels, and height and scale relative to other buildings on the same side of the green. She argued that the Inspector sought a building which harmonised with its surroundings and landscape. The Local Member understood the Inspector did not wish to compare any new proposed dwelling with that existing, or that approved in 2014, and that the use of trees as a visual screen was inappropriate in this setting. Further, the Inspector considered partial retention of the site and re-use of materials to be a private, not a public benefit.

The Local Member noted comments submitted by the Conservation and Design, and Landscape Teams who considered the scheme an improvement, but concluded that residual harm remained. Cley Parish Council appreciated the changes to design, however the majority of parish Councillors felt that the massing of the East Block was dominant and overbearing.

Cllr V Holliday reflected that Officers acknowledged there would be some harm to heritage assets together with some harm to landscape character, but, on balance, would be outweighed by moderate public benefits. She stated that Members were well placed to understand the complexities of balancing the competing elements of this (and other) planning application.

### Members Debate

- a. Cllr J Toye noted the history for the site and asked how this proposal compared to that which was approved at appeal with respect of scale and mass.
- b. The SPO-OL advised that the current design differed to that previously approved. The plans which were approved on appeal were later deemed to be incorrect, and the dwelling determined unlawful.
- c. The DM cautioned the Committee in drawing comparisons with earlier applications and confirmed that Committee needed to consider whether this application was acceptable and if it accorded with policy, and to consider and evaluate other material considerations. It was acknowledged that heritage and landscape harm would arise from the proposal, but ultimately when weighed against other aspects, Officers determined the scheme acceptable on balance.
- d. Cllr J Toye considered the earlier approval was helpful in understanding the acceptable limits with respect of height and mass for a single dwelling on the site.
- e. The DM agreed context was useful, but stated that there was not a direct comparative fallback as the existing dwelling would need to be demolished per the Planning Inspectors judgement. Officers could however offer details for those existing buildings on site and the heights of those proposed.
- f. The ADP supported guidance offered by the DM and advised that the critical issue for the Committee was whether the building as proposed was acceptable on the site, irrespective of the site's history. Whilst the history of the site was interesting, it should not be the overriding consideration. He noted this was a balanced proposal and reflected there were two key differences between the current proposal and that which was approved at appeal. First, a significant reduction in scale of the right-hand block as visible from the village green, which was considered to dominate views. Second, the introduction of a pitched roof. It was noted that in introducing a pitched roof to a flat roof building there were consequences in heightening the ridge and lowering of the eaves. The ADP reflected that pitch-roofs were more in keeping with other dwellings in the surrounding area.
- g. Cllr K Toye agreed with Officers it was important to consider the proposal with fresh eyes. She considered the proposal was an improvement and would better integrate with the landscape.
- h. Cllr L Withington noted concerns about the Eastern Block and asked about the height for this element.
- i. The SPO-OL advised the overall height of the Eastern Elevation was 7.5m. She stated that the ridge height had been increased compared to that built, as a consequence of the introduction of the pitched roof. Demonstratives were provided to better show such changes.
- j. Cllr L Vickers was supportive of comments made by Cllr J Toye and agreed that the planning history was instrumental in understanding what may or may not be acceptable for the site in planning terms.
- k. The Chairman endorsed Officer's advice that the application must be

considered on its own merits. He did not see the benefit in reviewing planning history for the site.

- l. Cllr P Fisher reflected that it was very difficult to forget the planning history for the site. He confirmed he was very familiar with the area and agreed that the relocation of the massing on the eastern elevation would be an improvement and would have a less dominating effect on the green. On balance, he considered this may well be the best which to be expected, and therefore proposed acceptance of the Officer's recommendation.
- m. Cllr L Paterson asked Officers for details of the ridge height, and comparison with Holly House.
- n. The SPO-OL showed a sectional for the proposed development inclusive of Holly House, she advised that whilst she did not have the height in metres, the drawing was to scale.
- o. Cllr J Toye seconded the motion.

**RESOLVED** by 12 votes for, 1 against and 1 abstention.

**That Planning Application PF/24/0101 be APPROVED in accordance with the Officers recommendation.**

## **155 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

- a. The DM introduced the Development Management Performance report and advised that the Local Planning Authority continued to outperform national and NNDC's own targets, though noted the slight increase in the number of applications allowed at appeal. The Planning Service remained busy, and it was expected that the changes in biodiversity net gain would add additional pressures on the service in the short term.
- b. The ADP advised that, with the agreement of the Chairman, work would be undertaken to review appeal decisions and take learnings from the decisions, with a report published thereafter.
- c. Cllr L Paterson asked information could be provided, going forward, outlining the number of weeks it takes applications to be determined.
- d. The ADP advised the information reported to Committee was that which was reported to Government. Government were out to consultation regarding the suite of indicators used, as it was accepted that reporting could be improved. The Planning Service were developing a new suite of indicators to offer a more holistic impression of the service for 2024/2025. It was hoped that a draft version could be offered to Members in the coming months. The ADP welcomed input from Members on what criteria should be monitored and asked Members write to him should they have any ideas on the matter.
- e. The DM advised NNDC was 26<sup>th</sup> out of the 328 Local Planning Authorities with respect of Majors performance, this could not be improved as the authority was already performing at 100%. With respect of non-Majors, NNDC was 55<sup>th</sup> of the 328 Local Planning Authorities, and this figure was due to rise. He acknowledged that NNDC were performing well under the current system which allowed for extensions of time and reflected that the



national league table would be impacted as a result of government changes. The DM confirmed that compared to some other authorities NNDC made less use of extensions of time and referred to information published by the Government for the top 50 worst performers with respect of extensions of time. The DM cautioned that for most Major applications, NNDC did make use of extensions of time, such applications were often not determined in the prescribed 13 weeks, as these types of applications often imposed S106 obligations which took longer to be agreed. He considered that through government changes, there would likely be a rise in applications considered as submitted, rather than allowing time for applicants to work on and approve their schemes following consultation and negotiation with Officers which resulted in an improved scheme. This change would likely lead to a rise in the number of appeals.

- f. Cllr A Brown considered the overall picture for extensions of time in the district was skewed by Nutrient Neutrality, noting that NNDC were having to seek lengthy extensions of time for applications affected by this matter. He endorsed the suggestion from Cllr L Paterson regarding timeline information.
- g. The ADP reflected on how changes in extensions of time would impact decision making and referenced the Arcady application. As a single dwelling proposal, this application was prescribed to be determined (without extensions of time) in 8 weeks. Early in the processes, the ADP determined the application should be brought to Committee, given its planning history. With Development Committee set to meet every 4 weeks, the application would have to be determined, anywhere between weeks 5 and 8 in the timescale. Submissions from Officers and the Local Parish Council were received on time, with the applicant deciding to further work on the scheme in light of the feedback offered. The ADP considered this revised submission resulted in a better scheme than that which was first submitted.
- h. Cllr L Withington was supportive of the ADP's comments, and asked if information could be provided on those applications which did receive an extension in time, if the delay in determination resulted in an improved scheme. This information would be useful in rebutting criticism of use of extensions of time and provide a more informed impression of applications and the service more broadly.
- i. The PL advised, with respect of S106 applications, that the Walcott application was out for signature, and would likely be removed from the list for the next meeting. Land at Overstand Road, Cromer, had two points outstanding and should complete within the month.

## 156 APPEALS SECTION

- a. The DM introduced the appeals report and advised that the start date had been added to each appeal, as requested by Members. The DM invited questions from the Committee.
- b. Cllr P Fisher noted the enforcement notice for Wells, he recalled at an earlier meeting of the Committee that both of the appeals had been dismissed, and asked if this was an error? He asked, if the appeal had been dismissed, when the Pizza Van should be expected to be removed.

- c. The PL advised 2 enforcement notices had been issued, as they related to two different sites. Determination for the Quay was still awaited.

**157 EXCLUSION OF PRESS AND PUBLIC**

The meeting ended at 11.15 am.

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Chairman