

PLANNING COMMITTEE
7 February 2022

**SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE
PUBLICATION OF THE AGENDA AND ERRATA**

Item 8/1(a)

Page No.8

Third Party: As Estates Manager for West Norfolk Academies Trust I attended the last planning meeting where this proposal was discussed. At the time I raised concerns held by the School Leadership Team in regard to the following:

Student safety - Whilst it can be seen on the plans that the allocation of a school drop-off point would relocate the current drop off/ collection point away from the main road. It was felt that as the new point is also allocated as car park that the risk to students would remain. However, should this development move forward the school would look to manage the process of drop off and collection at a local level.

Impact to residents - During peak times St Peters Road is almost gridlocked with vehicles parking in front of residents' houses. Often residents' access is blocked. The introduction of a junction on what is already a narrow road would only serve to compound this issue. Whilst this is not necessarily a school issue it is the school that receives the complaints in the first instance.

At the last meeting it was mentioned that the developer would contact the School to discuss our concerns. As of yet this has failed to happen.

Can I request that our concerns are again taken into consideration at the meeting scheduled for February?

Assistant Director's comments:

The school drop off point is a requirement of the outline consent and the proposal complies with that requirement. Whilst the comments are noted, access was approved on the outline application.

Whilst the comments regarding contact between the developer and school are noted, this is not a requirement of the application, and the LPA cannot control whether this happens or not.

Item 8/1(b)

Page No.30

Agent: Submission of amended plans relating to site boundary, boundary treatment and steps.

Parish Council: Stow Bardolph Parish Council has reviewed the above planning matter and whilst it is clear there are some issues that need to be addressed regarding the boundary of the property, the filling in of the dyke and the protection of the neighbouring trees, they do not feel that these are material planning matters that they can make comment on.

Third Party: Three further letters or representation received regarding the following:

A third-party from No.218 The Drove, Barroway Drove enclosed a land registry map and asked for clarification on the dyke ownership matter.

A letter was sent to Members from a third party. They highlight No.218 deeds shows that the application site includes land that has riparian rights, which affects the drainage arrangements. Drainage cannot be carried out on land outside the applicant's ownership or control and that the drainage scheme cannot be satisfactorily implemented. Flooding concerns. No.218 has not relinquished riparian ownership rights. Argue plans are incorrect. Applicant would be unable to

culvert the drain. Proposed house is too large for the plot, overdevelopment and puts pressure on the boundaries and has implications for both neighbours and those upstream. Objectors have been fair, consistent and correct. Not a simple application.

A third-party requests that the most recent plans be visible online. They discussed amendments with the agent that include showing a 2.8m between the boundary and the nearest house pile, proof of access for a JCB to the rear with the dyke open, and timber/steel steps either attached to the building or sitting on flat pads.

Assistant Director's comments:

Two sets of amended drawings were received on the 3 February 2022. The first set showed an amendment to the red line showing the site boundary. As the site boundary was changed and did not match the outline permission, the agent was asked to amend this. Therefore, a second set of drawings were received on 3 February 2022 to rectify this matter.

The second set of amended drawings are numbered 1 Rev.10, 10 Rev.10, 12 Rev.8. They clarify that the fence posts by the north-eastern site boundary would be hand dug. Also, that the steps would be constructed from either timber or wrought iron and be sited on an above ground concrete base and fixed to the side wall of the property.

The additional annotations on the latest amended plans assist with clarifying materials and tree protection measures. They can therefore be accepted.

In response to the Parish Council and third-party comments, the Council's Arboricultural Officer does not object to the scheme subject to conditions. The ownership concerns remain a civil matter and whether or not a planning permission can actually be implemented is a matter of private civil law between the relevant parties. The latest plans are available to view through the Council's website. They clarify the dyke will be left open at the rear and refer to construction details for the side exterior steps.

Amended Condition:

As a result of the submission of amended plans (2nd set), Condition 1 has been amended as follows:

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing 1 Rev 10
 - Drawing 2 Rev 8
 - Drawing 3 Rev 8
 - Drawing 4 Rev 7
 - Drawing 5 Rev 10
 - Drawing 6 Rev 8
 - Drawing 8 Rev 4
 - Drawing 10 Rev 10
 - Drawing 11 Rev3
 - Drawing 12 Rev 8

- Drawing 14 Rev 7

- Drawing 15 Rev 1

1 Reason: For the avoidance of doubt and in the interests of proper planning.

Item 8/2(a)

Page 44

North Coast Partnership: Recommends an external lighting informative:

National Planning Policy Framework Clause 125 and Norfolk County Council's Environmental Lighting Zones Policy both recognise the importance of preserving dark landscapes and dark skies. In order to minimise light pollution, we recommend that any outdoor lights associated with this proposed development should be:

- 1) fully shielded (enclosed in full cut-off flat glass fittings)
- 2) directed downwards (mounted horizontally to the ground and not tilted upwards)
- 3) switched on only when needed (no dusk to dawn lamps)
- 4) white light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium sources

Item 8/2(b)

Page No.54

CORRECTION

Incorrect maps of the site were attached to the Agenda on page 54 and 55. These should be replaced with the correct maps attached in Appendix 1.

A plan (Drawing No 2382-09 received 12 July 2021) showing the proposed garage plans and elevations was omitted from condition 2. The condition should be amended accordingly, as shown below.

Amended Condition

2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans (Drawing Nos 2382-09 and 2382-10 received 12 July 2021, 2382-02A and 2382-08A received 5 November 2021 and 2382-07B received 15 December 2021).

2 Reason: For the avoidance of doubt and in the interests of proper planning.

Item 8/2(c)

Page No.72

Third Party Comments: Three third party **OBJECTIONS** have been received and summarised as follows:

- Insufficient services and facilities to cope
- Increase in vehicular activity / highway safety
- Flooding
- Impact on wildlife
- Noise Pollution

- Horrified to discover that the application has not yet been heard but has been put forward with a recommendation to approve which means the applicants know it is going to be approved in advance of the meeting
- The decision is unprofessional and had given no consideration to the residents of Fenway.

Assistant Director's Comments: The comments made have been addressed in the main report. The recommendation to approve has been made taking all third-party comments and relevant policy and guidance into account (including those listed above.)

8/2 (d) (e) & (f) Page Nos. 99, 117 & 135

The following are related to all three applications referenced above:

Agent Correspondence: Comments raised on part of the officer's report raising the following points:

- Conservation Area Advisory Panel did not state why the design of the dwellings was not acceptable.
- The natural historic landscape would not be protected by refusing this application. It could be that a refusal will have the opposite effect. The land is not legally tied to Northwold Lodge. If a future owner split the current estate the land could be used for anything from pigs to sugar beet. In this report the land has been described as "Greenfield" (agriculture) "Parkland" (Normally land associated with a house) and the land is used for "Horsiculture" (Brownfield as confirmed by case law and HM Revenue and customs).
- There is nothing to require the owner of the land to keep the view open. The PROW is Northwold footpath number 7 and even in the winter there are limited views onto the site. It should be noted that Braintree council lost a case at the Appeal Court before Lord Justice McCombe and Lord Justice Lindholm. The site was in the countryside as defined by Braintree Council and close to a Grade II* and a Grade II building. Their lordships ruled against Braintree Council and agreed with the inspector and the applicant that the application could go ahead. As the report is not referenced, we can only presume this is the case being referred to.
- There was no input from the LPA on the design. Design suggestion from the LPA would have been welcomed. Unfortunately, none were given even when requested.
- This paragraph also mentions it is used for "horsiculture". As you can see from the amended planning history this has been the case since a least 1995 when permission was given for a Hayloft and in 1999 for a stable managers bungalow. All the paddocks have mains water to them and there are made roads on the site to access the paddocks. A recent photograph from an objector shows the post and rail paddocks and stabling. The land would meet the legal definition of brownfield as discussed earlier. The legal advice we have received confirms this. The sales brochure when Northwold Hall was purchased states that the land was used for equestrian purposes.
- The established policy is to allow some development outside the boundary of Northwold as members will remember that permission was given for twelve outside the development boundary at your January meeting. The report suggested that tree planting could mitigate the effect on the conservation area. This application already has the tree planting and more are proposed.
- The application will use an existing used access and there is no evidence to support the claim that it will impact the "Hedgerow". The Hedgerow mainly consists of a stake and wire fence supporting some shrubs. There is no requirement to keep the fence. The submitted report shows strengthening of the roadside border. The Arboricultural Officer confirmed on the 1st

February visit that some of the Lime Trees would have to be removed due to decay. It is the intention to replace them with approved plantings which can be conditioned.

- As mentioned previously that street scene is maintained by the current owner and future owners could alter it. To maintain it in perpetuity could be achieved by allowing the application with suitable conditions. The trees do not "Span the whole site" the application does not require the removal of any trees and if approved there will be further trees planted.
- Reason for refusal 1 - Twelve houses were given permission at the January meeting outside the development boundary of Northwold. The reasons given by the LPA were: The application is therefore considered to comply with the NPPF (2021), Policies CS02, CS08, CS09, CS10, CS11 and CS12 of the Core Strategy and Policies DM9, DM12 and DM15 of the Site Allocations and Development Management Policies Plan (2016). We cannot understand that an application for twelve further outside the Northwold boundary is acceptable and three closer to the boundary is not. At what number between three and twelve does the application not contribute to the sustainability of the village and the surrounding area?
- Reason for refusal 2 - The application complies with paragraph 194 all requested information was supplied to the LPA. Paragraph 197 In determining applications, local planning authorities should take account of: (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness

We believe that application complies with all of paragraph 197

Paragraph 200 does not apply to this application it is not a Designated Heritage asset

Paragraph 203 If LPA have not given a justification for the Designated Heritage asset - is it because it is agricultural, parkland or because it is used for horticultural?

Chairman of Parish Council comments: Response to Statement of Support in the committee report summarised as follows:

1. Refute that there was anything conspiratorial or undemocratic in the nature of the meetings, and maintain that the process of deciding the Parish Council's response to the applications was open and transparent.
2. "They (the applicants) have given assurances to the Parish Council that they will legally prevent future infill development". This information was presented by one of the applicants verbally and in writing at the meeting of 4th November, stating that it would be conditioned. As far as I am aware this condition has not been included in the application. Councillors were also unsure whether this could be imposed on future owners.
3. "The applicants have also offered financial support for a speed camera within the village following early discussions at the PC". As far as I am aware, there have been no face to face discussions on this matter although it may have been mentioned at the meeting of 4th November 2021. The applicants' agent does refer to it in a supporting document dated 5th November 2022, but in respect of a "speed monitoring screen and a speed recording device" which the Parish Council already possesses and uses in various locations in Northwold and Whittington. It does not mention a speed camera which is a different piece of equipment.

Third Party: Two items of correspondence maintaining **OBJECTION** to the proposed dwellings and summarised as follows:

- Incorrect Claim that “Paddocks” are “Brownfield”.
- The “Supporting Statement” for all 3 plots indicates, in apparent mitigation, that “There will be continued use of paddocks to the west”. This looks like (yet another) error in that to the WEST of the sites lies Riverside Track and Northwold village. Even if EAST were intended it would be at odds with the applicants’ clearly stated intent to sell off the current Northwold Hall and presumably the ‘rump’ of the land, thus losing control over it.
- Poor Comparison Example - The “Statement in Support” for each plot invites comparison with “special cases” namely the Castle Acre water tower conversion that coincidentally has recently gained national coverage via the ‘Grand Designs’ programme. Application 16/00034/F documents on the Planning Portal make it self-evident that it was indeed a completely different special case. It was the conversion of a redundant construction, as opposed to a new build in open countryside. The conversion was approved under delegated powers in accordance with Policy CS06 of the adopted local plan and also NPPF former para 55, the precursor of para 79, now para 80. In complete contrast to the current applications, the KL&WN Conservation Team did not object to that application. Nor did the Parish Council (though noting some privacy concerns). Local opinion was divided but was dominantly (two thirds) in favour of the application.
- Support the Officer recommendation/reasons for refusal.
- Significance of Conservation Area Assessment Panel
- Inaccuracies in the Applicants’ ‘Statements in Support’
- Consequences of recommendations to refuse - Applicants have expressed their intent to sell Northwold Hall on the open market if the developments are approved. Their personal aspirations for the western part of the land are however in direct conflict with local/national planning policies, statutory heritage protection and design shortcomings listed in the Officer’s reports.
- Applicants may, however, be able to fulfil the majority of their aims despite the strong and justified recommendations to refuse current proposals. Neighbours have proactively counter-proposed an option to develop a family enclave centred around the existing Hall complex and accessed through its entrance driveway. This suggestion - to utilise other parts of the applicants’ 16 Ha landholding - has not been acknowledged.
- Research has newly revealed a historical literary reference to Northwold Lodge (now Hall) and its parkland. Though Officers may conclude that this is not a Planning issue, it provides further validation for the historical value of the site. It is in the form of an extended poem ‘A Faint Description of Northwold Lodge’ published in 1860 by Brandon poet George West. The Lodge and park were in fine condition, and locally admired, even within living memory. Now shamefully neglected, but still a notable heritage asset.

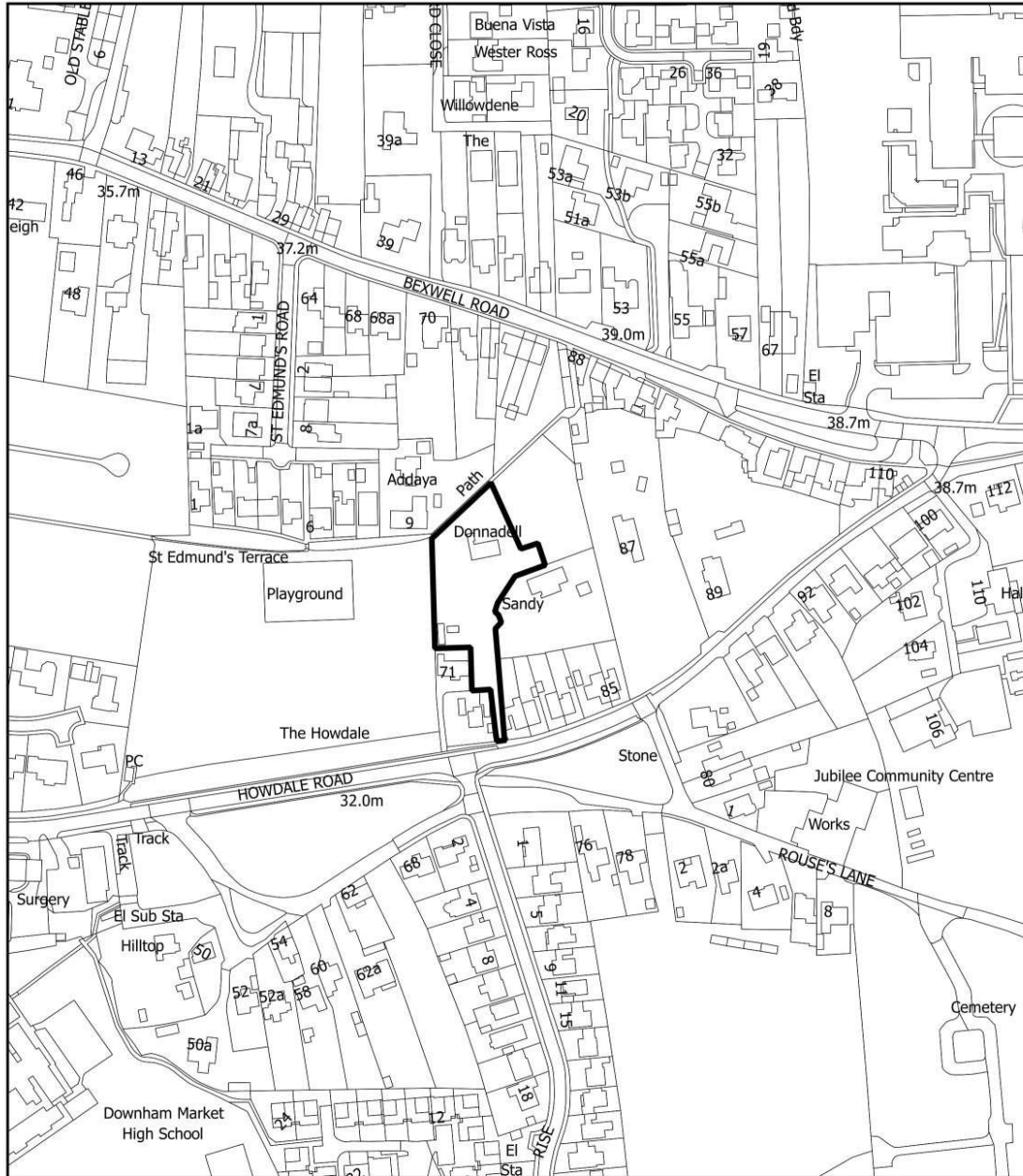
Assistant Director’s comments: The Agent considers that the paddock land (the subject of the three applications) is brownfield land i.e. previously developed land in accordance with the Annex 2 of the NPPF. In some circumstances, grazing paddocks can fall within the definition of previously developed land for instance where hardstandings, manege, stables are involved. However, there is no such development on the application site areas and therefore the land is not previously developed land. In any case, paragraph 120(c) of the NPPF is concerned with the use of suitable brownfield land within settlements. The proposed development is within the countryside as defined by the Local Plan, is contrary to the form and character of the locality in terms of design and siting

and therefore harms the setting of the Conservation Area (a designated heritage asset). The assertion that the land is brownfield is therefore given little weight.

Paragraphs 200 and 203 are entirely relevant to these applications given that the developments affect the setting of the Conservation Area (a designated heritage asset).

APPENDIX 1

21/01377/F
Donnadell Howdale Road Downham Market PE38
9AH



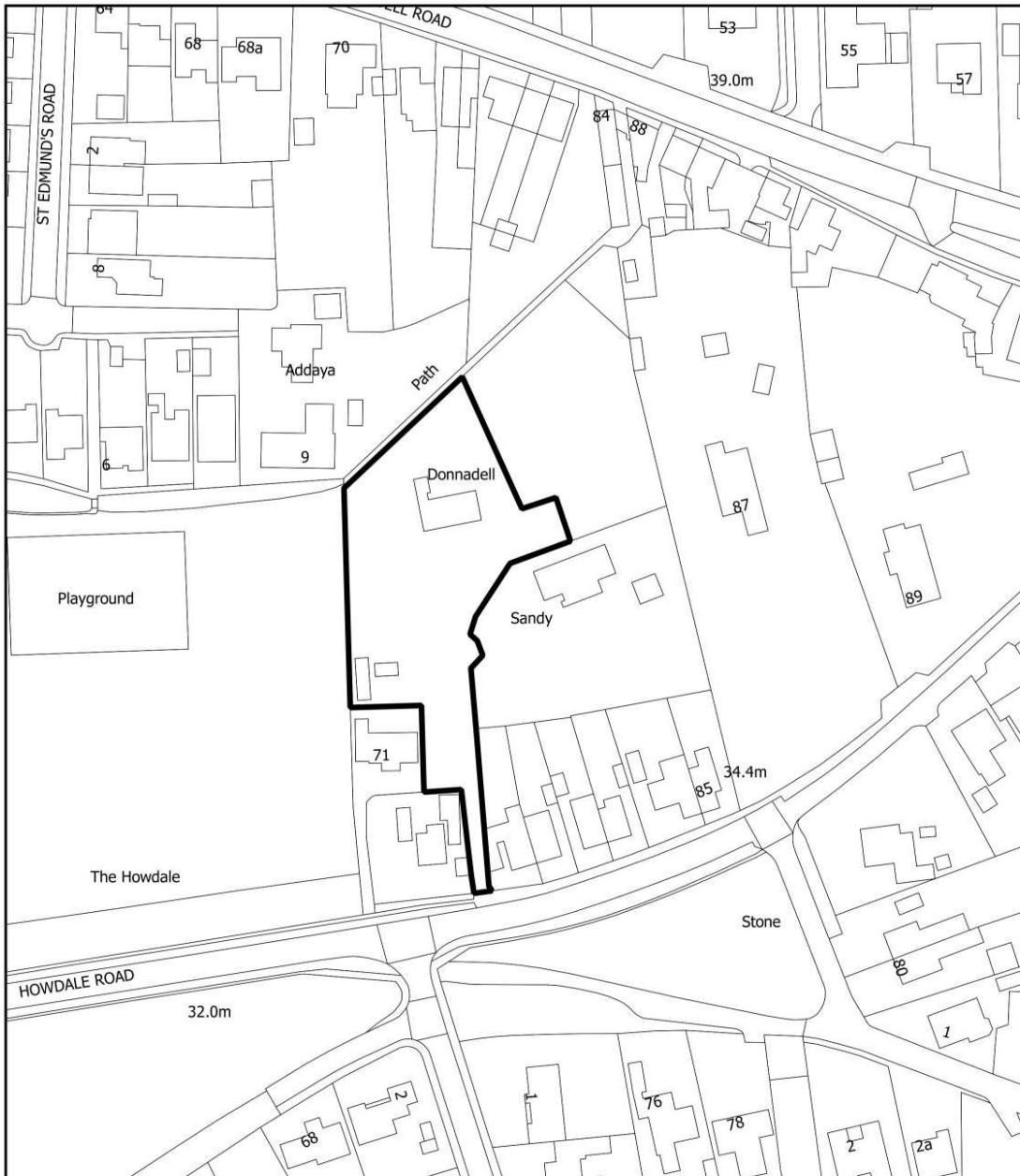
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