

PLANNING COMMITTEE

Date: 2 December 2024

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

Item No. 9/1(a)	24/01869/F	Page No. 7
Crimplesham Parish Council: Supports the application.		
Assistant Director's Comments: Comments noted, the Parish Council recommendation is detailed within the officer's report.		
Item No. 9/1(b)	24/01692/F	Page No. 15
Agent: Provides additional comments addressing the previous Appeal decision on the site.		
The covering email states:		
"...the officer in her submission referred to an appeal where the 2019 application was overturned. (19/02177/O).		
1) An analysis of the information sent to the by NCC inspector revealed many shortcomings and a response was sent to the contractor planning officer - who upon receipt almost immediately refused the newer application.		
Within the submission from NCC there were anomalies which included the wrong photograph of the entrance.		
The submitted picture of the entrance onto the A10 was a 2016 Google Street Scene and not the true picture of the entrance. There were other errors and assumptions presented by NCC.		
Having seen the wrong entrance submitted by NCC even I would have found difficulty in upholding the appeal. A site visit by NCC would have made it clear that the entrance had been greatly improved.		
The true picture was submitted on the detailed plan by the applicant.		
The Inspector can only make judgements on information presented to them.		
2) In addition, for the current application, the officer refers to the brownfield site issue which was not part of the 2019 planning application. (19/02177/O)"		
The Agent's commentary on information Norfolk County Council submitted to the Inspectorate (19/02177/O) is summarised:		
<ul style="list-style-type: none">• It is incorrect of the Local Highway Authority (LHA) that the land was not used for a continued commercial use. The designation of land is decided by the Borough Council not the LHA.• Current use of the land is a builder's yard. Recommending Officer's do a site visit. In addition, the designation of land is decided by the Borough Council.		

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- Access to the site is not 'narrow': the access road is 3.9m wide between the hedges. This is considered sufficient as a minimum of 2.75m is required as per the Manuals for Streets.
- Proposed dwelling is in a sustainable location, within a residential area, with services close by and good transport links.
- Proposed development would accord with government aims to develop 'sites like this.' Government place greater importance on sustainability and use of brownfield land.
- Existing level of traffic to/from the site is low.
- Reference to previous planning permissions on different sites, for various proposed schemes.
- Application needs to be considered on its own merit.
- The former application went to appeal with wrong statements and analysis by the LHA, such as reference to other planning applications, out of date photographs, accident details provided by LHA.
- Relevance of the Local Plan Policy (DM12).
- Inconsistency from LHA analysis.

Assistant Director's Comments:

The comments from the Planning Agent are noted and have largely been addressed within the Officer's report.

Most of the comments relate to the decision making of the LHA and the Appeal Decision, which the Planning Agent considered should be given little weight in the determination of the application. Weight to planning history and the Appeal decision on the application site is addressed in the Officer's report.

Without the benefit of detailed plans, the LHA has confirmed that a minimum of a 4.5m wide access leading to and from a trunk road, serving more than one dwelling, would be expected. Considering this, the current access is considered to be 'narrow'.

Lawful use of the land is covered in detail on pages 23 – 25 of the Officer's report. Moreover, site visit was carried out for this application by the Officer on 02 October 2024.

Item No. 9/1(c) 24/00143/F Page No. 33

Old Hunstanton Parish Council: The letter of notification to the Parish Council of the 2 December planning committee meeting is dated 25 September 2024.

The Parish Council considers that the address is incorrect as identified on documents related to the recently served TPO. It states 19 Hamilton Road and should be in fact be 19 Wodehouse Road.

ONE Third Party Representation:

Comments on item no. 9/1(c) on agenda for Planning Committee 2 December 2024

Page 36: Supporting case - no mention is made of whether the applicants intend to let the property. The amendments to the original application - western elevation and raised terrace, increased area and repositioning of the stair from the terraces to the side of the dwelling closer to the western boundary - are more than minor.

Page 37: The report states that 'the original approved application 22/01744/F was always a three-story building'. This contradicts the planning officer report on 22/01744/F (dated 10 February

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2023) which states 'The application seeks full planning permission for a replacement two-storey dwelling following the demolition of the existing building.' (THE SITE AND APPLICATION) and 'This application proposes the demolition of the existing dwelling on site with a replacement, two storey dwelling in its place.' (PLANNING CONSIDERATIONS - Form and Character).

ONE Further Third Party Representation addressed to the Chief Executive:

FOR THE URGENT ATTENTION OF KATE BLAKEMORE - BCKLWN CHIEF EXECUTIVE

VARIATION OF CONDITIONS 1 AND 4 OF PLANNING PERMISSION 23/00598/F

**Demolition of existing dwelling and construction of replacement dwelling at White Cottage
19 Wodehouse Road, Old Hunstanton, HUNSTANTON, Norfolk.**

CRIME REFERENCE NUMBER NFRC241107028151

**APPOINTMENT OF THE NATIONAL FRAUD INTELLIGENCE BUREAU ("NFIB") TO INVESTIGATE
ALLEGATIONS AGAINST BCKLWN PLANNING AND OTHERS**

I have been advised by Action Fraud that it is best practice to notify public bodies of any decision to appoint NFIB to investigate their conduct in relation to the use of delegated statutory powers. In accordance with the advice received, I wish to formally notify you that such an appointment was made on 26 November 2024 by Action Fraud. This appointment was based upon reports submitted on behalf of [REDACTED], a victim of the alleged fraudulent abuse of statutory powers by BCKLWN Planning.

PRIOR WARNING ABOUT THE POSSIBLE INVOLVEMENT OF ACTION FRAUD IN THE WHITE COTTAGE CASE

At the last meeting of the Old Hunstanton Parish Council which took place in the Village Hall on Thursday 21 November 2024, I addressed the Parish Councillors about the four elements of fraud and the relevant provisions of **The Fraud Act 2006**. I illustrated the legal content with examples of what had actually taken place on the White Cottage case in order to demonstrate a possible fit with the four elements of a fraud as per the legislation. Cllr Tom De Winton was present at the meeting and made helpful contributions based on his own experiences of how planning procedures are carried out by BCKLWN Planning. The approval decision given earlier that day by BCKLWN Planning in respect of the retrospective application 24/00143/F, which was filed by the Applicants agent Atelier Associates on 26 January 2024, was confirmed by Cllr Tom De Winton during his contributions at the Parish Council meeting.

In response to a request from some of the Parish Councilors present at the meeting, I recorded the submissions that I had made in an email dated 22 November 2024. A copy of this email is attached to this document.

I also attach a copy of my email to Cllr Tom De Winton dated 23 November 2024 providing evidential support that discredits the Applicants statement, which had been made in the public domain, that the original planning applications for White Cottage in 2022 and 2023 were for a three-storey construction. The case officers report for each of the two successful applications in 2022/2023, together with the plans submitted in support, confirm beyond all reasonable doubt, that a two-storey dwelling request was made by the Applicants. You will note that the report dated 30 May 2023 in relation to application 23/00598/F was approved and signed off on 31 May 2023 by Stuart Ashworth the Assistant Director of Planning. From this date onwards Stuart Ashworth was fully aware that White Cottage only had approval for a two-storey dwelling.

SUBSEQUENT NOTIFICATION FROM STUART ASHWORTH DATED 21 NOVEMBER 2024, THAT THE WHITE COTTAGE RETROSPECTIVE APPLICATION WOULD GO BEFORE THE OPEN PLANNING COMMITTEE MEETING ON 2 DECEMBER 2024

After a period of some eleven months since BCKLWN Planning received the retrospective application made by [REDACTED] on 26 January 2024, and without any formal Enforcement procedures having been carried out by BCKLWN since the first notification of breaches of Planning Control by [REDACTED] on 8 November 2023, Stuart Ashworth on behalf of BCKLWN Planning deemed it appropriate to approve the as built three-storey dwelling application. He also approved the listing of the White Cottage case for a hearing before the open Planning Committee at the scheduled meeting on 2 December 2024.

Cllr Tom De Winton made the transfer of the case to the Planning Committee possible by waving his previous written support for the delegated refusal issued by the Case Officer, [REDACTED] on behalf of BCKLWN Planning on 26 June 2024. On 18 July 2024 Cllr Tom De Winton confirmed by email that the case could be called in despite the high volume of objections from the residents of Old Hunstanton and the earlier delegated refusal decision which was served on the Applicants by [REDACTED] on 26 June 2024.

Cllr Tom De Winton is a duly appointed member of the Planning Committee for the hearing on 2 December 2024. He has not given a written response to the events that took place at the last meeting of the Parish Council on 21 November 2024, or the content of my email dated 22 November 2024 which recorded these events.

UNDATED AND UNSIGNED PLANNING OFFICERS REPORT TO THE MEMBERS OF THE PLANNING COMMITTEE

On Friday 22 November 2024, I was able to locate a copy of the undated document, in the agenda's section of the web site. The author of the report is not identified in the document. It does however confirm that the Assistant Director of Planning, Stuart Ashworth, had approved the as built three-storey approval request for submission to the Planning Committee. There is no evidence available to confirm that the Sift Committee at BCKLWN Planning also approved this decision. There is also no evidence in the Report to confirm that it had been signed off by the Case Planning Officer, [REDACTED]

In effect the BCKLWN Assistant Director of Planning is asking the members of the Planning Committee to approve a retrospective application for a three-storey approval without any knowledge of the active involvement of NFIB in the White Cottage case. Any vote for the approval of the retrospective application on 2 December 2024, will amount to the validation of any unlawful conduct which is identified during the NFIB investigation.

It is not possible to identify how justice can be served in these circumstances at the Planning Committee Meeting on 2 December 2024. BCKLWN will be accused of knowingly seeking to undermine the due process of law, in an attempt to protect employees, if any unlawful conduct is discovered by the NFIB following an approval decision being handed down by the Planning Committee on 2 December 2024.

CONCLUSION

In accordance with best practice, I have through the issue of this document formally notified BCKLWN of the appointment of NFIB by Action Fraud with effect from 26 November 2024.

There is a danger that the individual members of the Planning Committee may be persuaded by the Applicants to approve the as built but retrospective application on 2 December 2024 without any knowledge of the NFIB appointment by Action Fraud. The involvement of NFIB in the White Cottage case should not be treated with contempt by BCKLWN. The scope of the work that NFIB undertake should not be undermined in any way by BCKLWN Planning prior to the investigation. It is my submission, that the White Cottage case which is scheduled for consideration at the Planning Committee meeting on 2 December 2024 should be withdrawn pending the outcome of the NFIB investigation.

Michael Oldham
Resident of Old Hunstanton
Registered Objector

27 November 2024.

Monitoring Officer: In response to the Further Third Party Representation above:

The Chief Executive has forwarded your email to me. I am the Monitoring Officer and responsible for ensuring decisions are taken validly.

I note your complaint to the NFIB – can you please ensure they have my contact details so that I can deal with them.

The complaint you raise can be summarised as the Borough Council putting forward to its Planning Committee a misrepresentation that this development has previously been approved as three storeys instead of two storeys.

Throughout the entire lifecycle of planning applications for this development, the plans, which have all been consulted on in accordance with our statutory requirements, have always been for two storeys plus a lower ground level. The plans are determinative of any question over ambiguity of interpretation.

I have read the report to Planning Committee and I do not share the concerns that a fraudulent misrepresentation is being made that this approved development is for three storeys. It is stating the correct factual chronology about this development always having been for two storeys plus a lower ground level as identified in the plans for the 2022, 2023 and 2024 applications.

There are some areas of the report that could, in isolation, be deemed ambiguous when making reference to 'three storeys', however this is within the applicant's supporting statement and the objections; not the comments of the officer who clarifies on pages 51 and 53 of the agenda pack that it has always been a development for two storeys plus a lower ground level. Accordingly, I will request that late correspondence including this email chain and your letter to the Chief Executive be published for Planning Committee on 2 December to remove all avoidance of doubt that this development has always been and remains for two storeys plus a lower ground level.

I do not consider this dispute over interpretation, which will be resolved via late correspondence, to amount to any fraudulent act whatsoever by the Borough Council and does not preclude the Council from discharging its statutory duty on 2 December in determining the planning application under consideration.

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I shall await communication from the NFIB.

Assistant Director's Comments:

The letter of notification to the Parish Council of the 2 December planning committee is dated incorrectly as 25 September 2024 however the letter was produced on 21 November 2024 and was sent on that day setting out the correct planning committee date.

With regard to the address of the property, it was officially changed by application under the Public Health Act 1925; Sections 17, 18 and 19 earlier in the year. The address was changed from The White Cottage, 19 Wodehouse Road, Old Hunstanton Norfolk PE36 6JW to The White Cottage, 19 Hamilton Road, Old Hunstanton PE36 6JA.

The contents of the objection are noted, the comments/objections raised have previously been addressed within the officer's report to committee.

The Monitoring Officer addresses the points raised within the correspondence addressed to the Chief Executive. These matters would not preclude the planning committee making a decision on this application.

CLARIFICATION: A Eucalyptus tree within the north of the site will be removed. This is as previously approved and is shown on the Landscape Plan (MID02.01.25) considered acceptable to the Arboricultural Officer.

UPDATE: A Tree Preservation Order is now in place to protect the False Acacia on the site.

Item No . 9/1(d) 24/01121/F Page No. 57

Agent: Provided supporting statement, as follows:

'West End Cottages is an established group of holiday lets successfully run by No33 Cottages. Given that the cottages could be considered a non-designated heritage asset, the proposed scheme has been carefully designed to avoid harming the conservation area and NDA while improving the parking situation on site and along the High Street. Holiday lets already occupy the site. By utilising the space available on site, the proposed scheme will allow for the business to expand without affecting the existing housing stock within Thornham.

The proposed scheme has been surrounded by development, with new dwellings constructed to the site's North, East, and West. These large, impressive dwellings significantly alter Thornham's street scene, as the submitted drawings and CGIs show. The proposed development has been designed to impact the street scene as minimally as possible and fit comfortably within its surroundings. The proposal will utilise red bricks, flint, and chalk with a red pantile roof. These are all local materials that are sympathetic to the local vernacular. The conservation team also stated that the proposed unit could interpreted as a row of outbuildings serving the cottages.

As part of the proposal, the applicant also wishes to improve the current parking situation for the existing cottages and the proposed unit. This will involve creating a formal parking area screened behind a hedge with six parking spaces. This will provide sufficient parking spaces for all units on-site, removing the need for cars to park on the street when using the holiday units. Additionally, the proposed access will allow users to enter the site and exit in a forward gear, which is a drastic improvement from the current situation where vehicles have to either reverse in or out of the parking spaces on site. Highways have confirmed this arrangement is acceptable.

The Parish Council states that the development does not comply with Policy H1; however, given the other consultee responses, we would feel that it does. The proposal gives the appearance of a converted outbuilding and uses materials seen in this area of Thornham. It will not harm an open space that is important to the character of Thornham. It uses hedging along the boundary fronting the highway to screen vehicles, improves the site's access arrangement, and provides sufficient parking.

We feel that this is a robust planning application and that an appeal should not be necessary. This site is a positive alternative to converting an existing house into a holiday let and utilises a site that already consists of holiday lets to create a small sympathetic unit while also improving the current parking situation.'

Assistant Director's Comments: The supporting statement is noted, the comments raised have previously been addressed within the officer's report to committee.

Amended Condition 4:

To ensure that the parking/turning areas are used in connection with the existing dwellings and proposed holiday let, the following change is made:

4. Condition Prior to the first /use of the development hereby permitted the proposed access/on-site car parking/turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use, in association with the proposed dwelling and the existing dwellings shown in red on dwg no. TH003/02/02 Rev B **only**.

4. Reason To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety, in accordance with the NPPF (2023) and Policies DM11 and DM15 of the SADMPP (2016).