

12th May 2014

Dear Mr. Gomm,

Preferred Housing Options for Castle Acre

Firstly, thank you for your commendably objective presentation to the Parish Council meeting on Thursday 8th May.

District Councillor Jim Moriarty emphasized the importance of members of the public offering further comments and this letter responds to that invitation.

After you left the meeting, the Parish Council undertook a review of their support or otherwise for the various sites in the village. The sites discussed were 508 / 1131, 1193 and 509. From what we were able to ascertain, the Parish Council had no objective report or written information in front of them. We have to say that we were disappointed with the standard of the debate and the conclusions, which were not supported by reference to the facts or were the results of "cherry picking" information. On this questionable basis the Parish Council agreed to support sites 508/1131 and 509 but not 1193.

The Parish Council appears to have an irrational aversion to site 1193. We took careful notes of the main points referred to in the debate against site 1193 and they are listed below together with our comments:

- **Barn owls being seen on the site.**
This may or may not be true but the fact is that various species of owl are wide spread in this part of the country. If this were any sort of issue (which we doubt) it would arise when any planning application is considered.
- **There is a spring on the site.**
We have taken some advice on this point and it is clear that under normal circumstances this would not prejudice a development.
- **There is a potential drainage problem on the site.**
This, as far as we can tell, is an un-evidenced assertion. It is of course a fact that any development has the potential to create a drainage problem but there appears to be no empirical evidence that this is the case here.
- **There is an access and traffic problem.**
There was no evidence offered for this assertion beyond the fact that the access road passes the local school. The facts are that a private school driveway, which is owned by the county council, accesses the site. The County Council has stated (letter to Bill Welch dated 24/1/14 - copy

available) that the maximum number of dwellings it would consider for allocation is 8. That must be based on the county councils view, inter alia, of its assessment of accessibility and traffic issues.

It should be noted that there is a real traffic issue in relation to sites 508/1131 to which we have drawn attention on numerous occasions i.e. the turn from St James' Green into Massingham road, which is much used by heavy vehicles going north that can barely make the turn. Also site 509 would require major amendments to the highway to achieve any access whatsoever. These facts were ignored during the debate.

- **The site is not defensible.**

It was argued that the site was not "defensible" in that it had no natural boundaries and any development could become enlarged and sprawl. It is a fact that this site could accommodate more than 11 houses. However it is apparently constrained by the County Council's limitation referred to above and indeed you made it clear at the meeting that the District Council was looking for a site or sites for only 11 houses (you confirmed that the 11 houses could be spread over more than one site). These points were completely ignored during the debate as was the fact that if there was an extension of the 1131 site into 508, there is no natural boundary to prevent development into the large field of which 508 is only a small part. Additionally, the fact that site 509 site is no more defensible than site 1193 was entirely ignored.

- **Site 1193 is vulnerable to inappropriate development because it is outside of the conservation area.**

This argument has clearly not been thought through as 3 of the 4 sites are outside of the conservation area and equally vulnerable to inappropriate development, the exception being site 1131 that is within the conservation area. The Parish Council have in previous comments suggested that 11 houses could not be fitted in a satisfactory manner into site 1131 and that it would be necessary to extend into site 508 which is not protected by the development constraints of the conservation area. Similarly, site 509 is not protected by the constraints of the conservation area.

- **1193 will be visible from and detrimental to approaches to the village.**

We have driven along the various approaches to and from the village. The only direction from which site 1193 is potentially visible from the road is where the road runs to the north of and between West Acre and Castle Acre. Travelling that route we were unable to see the site from the road. As we approached Massingham Road we got out of the car and were only able to get a view of site 1193 at a distance through a gap in the hedge. Obviously one could get a view of the site if one walked across the fields. However from that direction, any development would stand in front of existing houses in Back Lane which are already visible from the locations described above, making very little difference to the present situation. Also, the site does not stand at any main entrance to the village. In

complete contrast, site 1131, and in particular 508, would be highly visible and visually damaging when observed from the north coming into the village from Great Massingham. The situation would be similar when entering the village from the west coming in on the road from West Acre. From the latter direction it is likely that the view of the Grade II listed barn would be lost.

All these points in relation to sites 508/1131 were entirely ignored in the debate.

We have to conclude that the Parish Council have not read our factual assessment of the relative merits of sites 508/1131 and site 1193 (copy attached for easy reference) or the various points which have been made by the contributors to the LDF website. It would also appear that the Parish Council has not undertaken a detailed and objective analysis itself. We are also of the opinion that at the Parish Council meeting there was a considerable reluctance to engage with public views about the viability of site 1193.

For all the reasons stated above we would put it to the District Council that the views expressed by the Parish Council should be treated with caution and that if it does not evidence its views then it should be asked for that evidence. We would add that we believe that there is considerable merit in terms of the village environment of dispersing the required houses between sites. You indicated at the Parish Council meeting that this was a possibility. We believe that any development on site 1131, whether as a result of the preferred housing options appraisal or as a result of an unassociated planning application should meet the criteria set out in Bill Welch's objection to planning application ref14/00148/F dated 23/02/14 and that any development should not be allowed to stray outside site 1131 into site 508.

We have had a look at the revised proposal for Rose Cottages that the developer made available at the Parish Council meeting after you had left and we do not believe that it is likely to come close to meeting the aforementioned criteria. It should be noted that the developer could not comply with the County Council's requirement for a 1.5m footpath running from the site and going south past Alberma House because it would cause an already dangerous constriction in the road to be further constricted. That is just one factor that points to the merit of developing the whole of site 1131 at the same time. Finally, we would remind the District Council that in considering any development within the conservation area (site 1131) of its responsibility to have particular regard to the desirability to preserving and enhancing the character of the conservation area.

We trust that you will bring this letter to the notice of District Councillors as appropriate before the visit to Castle Acre to review the sites, which we understand, is imminent.

Yours sincerely,

Bill Welch
Bungalow 2, Massingham Road, Castle Acre

Anita Watridge
Darryl Watridge
North Barn, 4 Stone Barn Court, Castle Acre

Dear Mr. Welch,

In response to your request for the following information:

Any documents[including internal correspondence e mails, reports and committee minutes etc.] which refer to errors or alleged errors in the Council document 'site allocations pre submission document' submitted to the regeneration and environment panel on 29.10.14, cabinet on 4.11.14 and council on 27.11.14.

There are no documents or correspondence which refers to errors in the Site Allocations and Development Management Policies Pre-Submission Document during the time period you have outlined. The Minutes from the Meeting of the Cabinet held on Tuesday, 4 November 2014 at 5.30pm available on the Borough Councils website <http://www.west-norfolk.gov.uk/default.aspx?page=27527> note a recommendation (6) on page 472 that allows discretion to the Executive Director, Planning and Environment in consultation with the Portfolio Holder be authorised to make minor amendments to the content of the documents and supporting material before it is placed on deposit for representations. However, the errors you have noted were unfortunately not noted or corrected prior to the public consultation. However the public consultation held 12/01/15 till 23/02/15 is a key point at which members of the public can identify minor errors in the document in their representations (such as your own) and as a result of this a list of minor modifications will be produced and presented to the Inspector and will be published on the website during the examination period.

In response to your request for the following information:

-Policy G 22.1. para 1 refers to 'the adjacent grade 2 listed building'. Para G 22.11 refers to 'three grade 2 listed buildings....close to the eastern part of the site'. Please provide any information which you have [including plans] which identifies the building referred to in policy G22.1 para1 and the buildings referred in G22.11.

I attach to this email a map of Castle Acre Conservation Area and Listed Buildings, this can also be obtained from the Councils website using the link below:

<http://www.west-norfolk.gov.uk/default.aspx?page=24481>

On the map there are 3 buildings (or building groups) to the east of the site which are marked in black as Listed Buildings and I can confirm these are all Grade 2.

--In relation to para G22.7;

-any evidence that you have that'the landscape of the site is undeveloped'

-any evidence that you have that 'the landscape of the siteis not in agricultural production'

There is no evidence that justifies these statements as these assertions are incorrect (in relation to the entire site). Part of the site is in agricultural use and is not developed and part of the site is developed and contains 3 buildings. The Site Description and Justification

presented in the earlier version of this document 'Preferred Options for a Detailed Policies and Sites Plan' published in July 2013 refers to 'two derelict buildings with gardens to the rear' and it is unfortunate that this reference to existing buildings was removed in the current Pre-Submission version. The boundary of the site was changed following the Preferred Options stage and it appears likely that some errors occurred as a result of these changes to the site boundary and therefore the text does not accurately describe the current extent of the site. New text will be proposed as a minor modification to the 'Site Description and Justification' section in the main document.

-also in relation to G22.7, which states 'other than the boundary hedgerows there are no features of importance on the site';

-any information that the council has about buildings on the site

-any evidence, including plans, which you have to the effect that the site is bounded by hedgerows as suggested by the paragraph.

- any information you have as to how any boundary hedges will be preserved [bearing in mind that the document refers to them as 'important']

In reference to information regarding the buildings on the site there are clearly 3 buildings within the site boundary which are shown on the attached maps of 'Castle Acre Conservation Area and Listed Buildings' and 'Castle Acre aerial view ArcMap GIS' and referred to in the text in the Sustainability Appraisal (see extract from the Sustainability Appraisal attached). The properties are privately owned. The owner withdrew a planning application reference 14/00148/F Demolition of derelict cottages and construction of four dwellings and garages with access, Rose Cottage Massingham Road Castle Acre Norfolk PE32 2BG. Details of this are available on the councils website (search reference 14/00148/F).

After reviewing supporting evidence documents including the Councils Technical Assessments and the Sustainability Appraisal (all publicly accessible on the Councils website <http://www.west-norfolk.gov.uk/default.aspx?page=24524>) I cannot find further references (evidence or information) regarding hedgerows. Site visits were undertaken prior to the original drafting of all 'site justification and descriptions' in the document but in some cases these may now be slightly out of date (particularly changes to hedgerows/vegetation over time). Older versions of our aerial mapping show hedgerow around the curtilages of the properties (see attached 'Castle Acre aerial view ArcMap GIS'). New text will be proposed as a minor modification to the 'Site Description and Justification' section in the main document to provide an accurate and up to date description of the site to rectify the identified mistakes.

-any notes or other documents which identifies any errors in the document and whether any errors in the document were pointed out by officers or by Councillors and corrected at any of the three meetings to which it was submitted before the document was approved.

Please refer to my first statement.

- any documents [including any internal correspondence] which refer to errors in the document [including the statement to the effect that Castle Acre is to the south of Swaffham].

It is unfortunate that errors were not spotted prior to publication. I cannot find any internal correspondence that refers to errors in the Castle Acre chapter, and therefore the opportunity to correct these errors prior to publication was unfortunately missed at that time.

Regards,



Alan Gomm

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CASTLE ACRE CONSERVATION AREA



NOTATION

-  CONSERVATION AREA BOUNDARY
-  LISTED BUILDINGS
-  IMPORTANT UNLISTED BUILDINGS



DESIGNATED April 1971

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EAST OF ENGLAND OFFICE

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eastofengland@english-heritage.org.uk
6 November 2014

Dear Mrs Lawty

Notifications under Circular 01/2001, Circular 08/2009 &
T&CP (Development Management Procedure) Order 2010

ROSE COTTAGE, MASSINGHAM ROAD, CASTLE ACRE, NORFOLK PE32 2BG
Application No 14/01181/F

Thank you for your letter of 6 October 2014 notifying English Heritage of the above application.

Summary

The application proposes the demolition of Rose Cottages and the construction of four new dwellings with associated garages and access. The site lies on the western side of the Castle Acre Conservation Area on the approach to the village from the north. We gave advice on an earlier application for demolition and redevelopment of the site in 2011, application no. 11/00445/F, letter dated 18 April. This concluded the building made a positive contribution to the character and appearance of the conservation area and the case for demolition was not substantiated.

English Heritage Advice

The site lies at the entry to the town from the north and on the western edge of the conservation area. From here there is a view to the church tower at the centre of the village. The cottages are opposite a grade II listed barn which runs along the eastern side of the Massingham Road.

The previous application contained no supporting information setting out the significance of the property or its contribution to the conservation area. The current proposal is more helpfully supported by a Heritage Statement. The cottages date from the early nineteenth and they appear on 1840 parish Tithe Map. This corresponds with a period when the village was expanding. The cottages are built of traditional materials, brick (now painted) with a pantile roof. They have been extended at each



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end and to the rear and modern doors and windows have been inserted. The Heritage Statement concludes the cottages are of some significance, probably historical, rather than architectural, and relates to Stone Barn. It notes they have been altered and are in poor condition. The building is identified on your authority's conservation area map as an important unlisted building.

We continue to maintain, in line with your own appraisal, that the site makes a positive contribution to the character and appearance of the conservation area. The demolition would therefore result in harm to the significance of the conservation area.

As the application affects a conservation area, the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must be taken into account by your authority when making its decision. The National Planning Policy Framework (NPPF) notes that great weight should be given to the conservation of a heritage asset, paragraph 132. It specifically encourages planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably (para.139 NPPF).

The Heritage Statement describes the cottages as much altered and rundown and that this and the unkempt nature of the site detract from the conservation area. While the condition may have an impact on the appearance of the conservation area, we would not consider this in itself justification for demolition and the redevelopment of the site. The Statement notes that the renovation of the cottages would require a level of rebuilding that would result in their near replacement but there is nothing further in the application to substantiate this. With regard to the changes to the cottages, the extensions were constructed in brick to match the cottages and the replacement of the windows and doors with more sympathetic features would do much to improve their character.

In line with the NPPF, your authority should weigh the harm associated with the demolition of a building that makes a positive contribution to the conservation area against the public benefits of the scheme. If your authority does conclude these outweigh the harm we recommend consideration is given to the form of the development. The proposed scheme is for a 'farmstead' style development of a cluster of houses around a yard, echoing the approach to development on the opposite side of the road. While following a traditional form, it contrasts with the existing simple vernacular cottages found in this part of the conservation area. We also suggest the impact of the development on views towards the church tower is assessed. Any grant of consent should be conditional upon your approval of detailed



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design drawings and samples of the new materials.

Recommendation

The site makes a positive contribution to the character and appearance of the conservation area. The demolition would therefore result in harm to the significance of the conservation area. In line with the NPPF, your authority should weigh the harm that would be caused by the demolition of a building against the public benefits of the scheme. If you are satisfied the public benefits outweigh the harm, you may wish to secure a photographic record of the cottage and any grant of consent should be conditional upon your approval of details of the new design and materials.

Please contact me if we can be of further assistance. We would be grateful to receive a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

Yours sincerely



Clare Campbell

Principal Inspector of Historic Buildings and Areas

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24. Ensure that a committee is provided with a report when circumstances require and that the report is materially accurate and covers all the relevant points.

A committee report should provide all the material the members need to make an informed decision. The report should be in clear terms and should cover as necessary:

- relevant policy;
- relevant law;
- sufficient and accurate information to enable members to understand the issue;
- a summary of the outcome of any consultation or seeking of advice;
- reference to all the considerations which have to be taken into account in the decision;
- identification of possible approaches which could be adopted;
- the reasons for any recommendations; and
- an analysis of any financial or other significant implications which are relevant.

Where reports have been criticised in investigations by the Ombudsmen this has commonly been because there were significant omissions or inaccurate or misleading statements. Ombudsmen have also been critical on occasions when officers have not put a report to a committee in circumstances where there were serious, persistent or long-standing problems which the committee should have been told about and had the opportunity to consider.

Administrative processes

25. Ensure that the correct action is taken both to implement decisions when they are made and generally in the conduct of the council's business.

When a decision is taken the first requirement is that the necessary action to implement it must follow. Secondly, care has to be taken to ensure that the implementation is correct. Examples of where it has been found that this did not happen are:

- the committee agreed to give planning permission with conditions but then the permission was issued without conditions (and also the converse has happened where officers without authority have added conditions to what the committee has approved);
- the committee agreed to grant planning permission on the basis of an amended proposal but then the permission letter was issued referring to the original plan; and
- officers in error issued a planning permission notice, although the decision of the committee had been to defer the application for further consideration.