

**PLANNING COMMITTEE**  
**7 October 2019**

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

**Item no. 8/1(b) Page No. 19**

**Parish Council:** Submitted a supplementary statement as follows:

Stoke Ferry has already exceeded its new-build quota and lacks the infrastructure which has seen it - wrongly - identified as a key rural area for development. Nevertheless, the Parish Council has been asked effectively to barter approval of the current application for nearly 100 additional residential dwellings, a 20% increase in our present density, in return for what is fast becoming inevitable: the relocation of an environmentally indefensible and physically obsolete operation at the heart of our community.

We are not under any obligation to the owners of that privately-owned operation to justify their own commercial decisions in acquiring or disposing of the mill.

We would also like to emphasise that this proposal in no way absolves the applicant, or the Borough Council, of their responsibilities towards the listed buildings and the Designated Conservation Area which surround and form a substantial part of the site. Moreover, they have here the opportunity to remedy wrongs to a historically and architecturally important village, which has for some sixty years endured exceptional environmental abuse in the pursuit of profit by one single privately-owned commercial operation.

We have seen the letter written on 4th September 2019 by Catherine O'Toole, of Pegasus, the company employed by Amber Holdings to oversee the application. We would like, prior to the next planning hearing on October 7th, to address the principal issues raised by this letter. We contend much of what it has to say.

It centres on three issues. These are:

- The inclusion of plans for the **listed buildings** in the applicant's ownership as conditional to approval.
- The proposed closure of the principal **northern access** to the mill site onto the Lynn Road: that which leads most directly out onto the A134 bypass and the road network.
- The proposed building development on the adjacent **greenfield site** known as Self's Field, and the ownership of the **public right** of way and footpath which divides the two halves of the mill site.

Furthermore, we have seen the more recent email from Pegasus, dated 18th September, to Claire Dorgan of the BCKLWN Planning Office. It reads 'I can confirm that HGVs only use the Furlong Road.'

We urge all Planning Officers to examine the videoed evidence at the following YouTube link: [youtube.com/watch?v=X8Iz-IZMeIM](https://www.youtube.com/watch?v=X8Iz-IZMeIM) particularly from 5'00" to 8'00". (Alternatively, search 'Appeal villagers Stoke Ferry'.)

As this shows, the HGVs use the Furlong Road ingress and egress from the village. However, they also use the Lynn Road, the High Street, the Square, the Wretton Road, and Buckenham Drive for their continuous movements. Councillors may judge for themselves the consequences of their authorisation of the expansion of the mill, their continuation of its environmental licence

to operate, and the reluctance of the Highways Authority to intervene.

Regarding the **listed buildings**, Pegasus' letter of 4th September reads: "This application has been advanced in order to establish that the site can be redeveloped for residential use. This will allow 2Agriculture to make wider investment decisions which, once concluded, the further decisions regarding the re-use of the listed buildings can then be made. Placing further burdens on the site is only likely to inhibit the potential for the relocation to be a viable option, linking the listed buildings to the current outline application would be a significant additional burden."

We are not unaware of the threat implicit in those words. However, these listed buildings form an integral part of the market square, which lies at the centre of the village and its designated Conservation Area.

Until the arrival of the mill, and its associated HGV movements, this square ('the Hill') was for seven or more centuries the public meeting-space of an ancient and important community. It was the arena for fairs (licence to hold which was granted to the village by Royal Charter in the thirteenth century), markets, Remembrance Day (in front of its listed War Memorial), religious offices (the 14th-century parish church of All Saints forms its eastern border), and blessing of the troops.

Pegasus continues "There are statutory powers in regards to (sic) listed buildings to ensure they do not fall into disrepair and that is certainly not the owner's intention. Therefore, our position is that we would strongly resist any attempt to link the listed buildings to the current outline."

As a Parish Council, we judge by action, and not by 'intention'. It should be noted that, despite 2Agriculture's assurance to the PC some three years ago that these shamefully neglected buildings would be imminently restored, nothing has visibly been done. Further, in the mill's 2019-20 budget money was identified for the renovation of the frontage and rooves of the buildings. However, once Amber REI put in their planning application this vitally necessary restoration work was not progressed. All this important historic detailing has now been allowed to decay to the point that is rotten beyond repair.

It should also be noted that the Heritage Assessment (on the evidence of which this application is seeking approval) makes a great deal of the historic connection between the mill site, and the Grade II and II\* listed buildings in the ownership of the applicant. Most of the proposed site lies on their former outbuildings, gardens and parkland.

We argue that not only is it necessary therefore to include the listed buildings in the application, but that we would like to see these former outbuildings (effectively, small streets, courtyards and alleyways) represented as workshops, artisanal dwellings, and terraced cottages, which would include affordable and wheelchair-accessible properties. By incorporating such, in a better-designed scheme, Amber can on this section of the site still have the 70 units for which it is seeking approval.

There currently exists a principal **northern entrance** to the site, onto the Lynn Road, and thence directly out of the village onto the A134 bypass. This application proposes to seal that off, leaving only a southern cul-de-sac entrance at Buckenham Drive, thereby directing all traffic generated by the 70-unit proposed development through the conservation area.

In attempting to justify this, Pegasus writes "The existing Furlong Road/Lynn Road junction does not meet with current highway standards in terms of visibility to the north meaning that Furlong Road would need to be extended and Lynn Road re-aligned which would be a significant engineering exercise and incur substantial costs."

Whilst begging an astonishing question - Why, if the existing access does not meet current

standards of visibility, has the Council's Highways Authority continued to licence 44-tonne articulated lorries to operate continuously around it at the heart of a residential community? - Pegasus continues: "The provision of a second access to Lynn Road would have no material benefit in terms of traffic distribution. During the AM peak a total of 22 vehicles would leave the site, of which 16 would travel north along Lynn Road."

Pegasus are therefore admitting that 8/11 of the development's traffic would be diverted through the Conservation Area, to the far side of the village. The 'material benefit', we have consistently argued, of retaining a principal, northern access would be that the conservation square would have more than two-thirds of traffic in and out of the development removed from it, thereby safely releasing it on occasion for the community events which for seven centuries of its history were held here, until the mill operation's HGVs rendered it unsafe to do so.

The BCKLWN have also been told by Amber that the Police Authority have said that a single-entrance development prevents potential criminals from eluding pursuit. However, the actual advice given by the relevant officer in this instance runs "The plans provided lack the real detail I would need in order to comment fully."

Pegasus writes: "The location of the existing public right of way footpath would compromise the location of any traffic island in this location."

This we absolutely refute. In tandem with traffic lights and/or a pelican crossing, such as exist in their thousands up and down the country, it would be not only feasible, but a great deal safer than it presently is.

Pegasus writes: "There have been extensive discussions with Heritage Officers on this site and the consistent advise (sic) has been that a continuous frontage along Lynn Road is the appropriate heritage response. Introducing a vehicular access along this stretch would clearly compromise this."

There never historically was a continuous frontage along this stretch. It is not therefore 'an appropriate heritage response'. Citations specifically refer to the spaces between the listed buildings as 'significant'. These were the courtyards, servants' cottages, small streets and alleyways of the four main buildings. (Curiously, Historic England has since responded to our inquiries saying that they cannot recall asking for continuous frontage.)

Lastly, the Parish Council has already agreed in principle to the development of the **greenfield land** known as Self's Field. This for centuries was the cattle-market which defined Stoke Ferry's importance and was a public space central to the identity of the village. On both its eastern and northern boundaries, it borders and connects the two main conservation areas of listed buildings. We maintain that with the considerable sacrifice of this historic greenfield land (which can be viewed, in planning terminology, as 'enabling' permission) comes a counter-obligation. If it is to be built upon (much against the wishes of a significant portion within the village) then we are justified in demanding, not just a return in the form of a more locally and historically accurate 'enhancement of setting' and a northern principal access which does not require the bulk of the traffic generated to drive through that setting, but a commitment within the application to restore the listed houses in Amber's possession which are incorporated within it.

The cattle-market is divided from the mill site by a **public footpath**, which was charitably donated to the village half a century ago by its then owner, Mr. Self, in order to contain threatened further mill expansion. It follows the boundary of the original land belonging to the four listed houses, in the grounds of which the mill was built. It thereby creates an inconvenience for the applicants, who are proposing what is effectively a single cul-de-sac of density volume housing, rather than respecting the historic patterns of the site. Of it, Pegasus writes: "The evidence the Parish Council have provided demonstrates a dedication and not a transfer of ownership and is therefore not proof of ownership."

The fact is, that the freehold owner of the footpath donated it, in good faith, for the benefit of the village. If the registration was botched by the lawyers handling it, it therefore still belongs to the donors or to their heirs. The one party which does not own it is Amber Holdings. Attempting to use a long-forgotten legal error to their advantage unfortunately reveals the high-handed contempt in which they hold their host village, its goodwill, and the less mercenary community spirit of the residents of Stoke Ferry.

The Parish Council, as much as anybody, wishes the mill operation to be relocated and the significant historic beauty of our village restored. We have already conceded in principle key areas of Amber's proposal, by allowing the related brownfield site (which lies outside the planning boundary) to be included in the application under an S106, and by sacrificing a historic greenfield site, in order that this might be expedited.

We absolutely do not wish to imperil the possible salvation of the heart of our village by forcing its owners into its sale as it stands, or to leave us with a derelict and abandoned site, together with yet another row of ruinous listed buildings. But we do urge the Planning Committee to encourage Amber, rather than offering us a characterless cul-de-sac of volume housing, to employ a more thoughtful architect who might grasp this opportunity, not just to respect our past, but to build a conservation-area of the future.

**Assistant Director's comments:** The Parish Council's main points are covered within the officer's report.

**Item no. 8/2(a) Page No. 64**

**Agent:** Supporting Statement:

An application for a proposed two storey dwelling on land adjacent to 9 York Avenue was submitted to BCKLWN in May 2019, following a positive pre-application enquiry with the Borough Council of Kings Lynn and West Norfolk.

The proposal is for the construction of a dwelling between numbers 9 and 7 York Avenue. The dwelling has been designed to be subservient in scale and height to neighbouring properties to ensure both 9 and 7 do not suffer from over-shadowing or over-bearing from the proposal. As you can see on associated drawings the proposal does not extend past the rear walls of number 7 and 9.

The proposal has been designed using traditional materials such as red brick and carrstone, slate effect roof tiles and timber joinery.

The proposed dwelling and donor dwelling have garden spaces which match the form of York Avenue. The conservation panel stated when consulted on the application; "The panel considered that the principle of infilling the gap was acceptable and had no objections to the design of the proposed new dwelling". This is an extremely important response considering the sites location and its design.

Other consultees such as the tree officer, environmental quality officer and Natural England had no objections or no comments to make on the application.

During the pre-application advice process the proposal was discussed with the highways officer in relation to parking arrangements including a site meeting. A solution was agreed on site for the provision of 2 further spaces on the street, however this required the removal of a single tree. This was objected to by Norfolk County Council Tree Department and the tree officer at full application stage.

The agent and applicant then explored other options to provide the two additional on street parking spaces as requested, as you can see from associated drawings. Following a

topographical survey and discussions, it was decided that the most suitable place for these parking spaces was outside numbers 8 & 10 York Avenue. The two parking spaces are achieved by minor alterations to kerbs, as indicated on the proposed plans. A tree consultant was then instructed to carry out an Arboricultural Impact Assessment to establish what impact these alterations to the kerb may have on the tree, concluding there would be no impact. This conclusion was agreed with the BCKLWN tree officer, subsequently leading to no objection from the tree officer.

The highways officer does not agree that the proposed parking spaces provide two additional spaces. This is because we propose to move kerb lines slightly to create two spaces, for example; half spaces are available, so by moving the kerb to make the half spaces into full spaces, this is not deemed as creating "additional parking spaces". On street parking is part of the form and character of York Avenue, with this proposal being the norm for the street. The applicant has lived in 9 York Avenue for several years and has never been unable to park on the street.

In conclusion, the planning department offer no objection to the proposal and its design but must recommend refusal to this committee due to the NCC Highways Objection. In our opinion, and as demonstrated on associated drawings, two additional spaces have been provided to York Avenue in suitable locations. We therefore urge this committee to overturn the officers recommendation of refusal and approve this application, on the basis that the requirements made to the agent and applicant have been met in a feasible and suitable manner.

**Item No.** 8/2(d) **Page No.** 82

**Agent:** Submitted a supporting statement as follows:

The containers arrived in West Acre in response to an increasing demand for economical small storage options on the Estate. The demand was received from tenants at Abbey Yard, local residents and also local small business owners.

Abbey Yard was initially created many years ago catering for the Estate through offering agricultural and forestry buildings. Tractors would come and go along with other machinery and local workers. Thereafter it was the original setting for Westacre Theatre who transformed the yard and also constructed an outdoor theatre. The theatre along with its following and popularity then needed to relocate to larger premises. With the theatre gone and the agricultural machinery already relocated it left Abbey Yard empty and vulnerable to degeneration as with many small agricultural buildings and yards throughout the UK.

The Estate owner wanted to create a low impact development which would support local residents and businesses, utilise the space to prevent rural decay and do this in harmony with the historical site. Planning permission has recently been granted for the change of use of the barn workshops which surround the containers. The main barn is now nearing completion of its transformation into a Craft Brewery which has secured the future of this listed building and again generating a new lease of life to the site. The storage containers support this concept of a low impact development due to their temporary nature. They support the demands of the area and prevent any permanent structures being constructed.

Specific factors taken into account whilst considering the location of the containers include the following:

The road feeding into the yard is a not a single lane track nor does it include any hidden bends. It is speed restricted and there are changes being implemented in the near future to cater for any additional pressures the brewery may have on the highway.

Rural crime is persistently a concerning factor living remotely so with the containers being within the yard and also in the centre of the village this adds a level of security and reassurance to

each and every occupant.

The yard offers suitable surroundings mitigating any visibility and/or impact upon local residents. The containers are sandwiched between the barns and the brewery development and are also not of any greater height than these buildings so do not over shadow or overwhelm the area. Within the yard itself tenants of the units also rent containers so complimenting one another perfectly.

There are 15 containers on site and all are fully utilised. They are of standard size measuring 8ft (2.43m) x 8.5ft (2.59m) x 20ft (6.06m). The containers have been transformed by local artist Harry Malt rather than have them create a dull, oppressive feel. They are open to interpretation as with all art but they are not intrusive nor offensive and are not easily visible unless you enter the yard which you wouldn't need to do unless accessing one of the workshops.

In conclusion the containers offer the area a low impact solution to a demand which promotes sustainability, prevents rural decay which in turn supports the growth of small local businesses therefore promoting rural development.

**Additional condition:**

6. Condition: Prior to 30<sup>th</sup> November 2019 the 3 no. containers currently sited to the front of the approved brewery building (within blue land on dwg no.3464.08) shall be moved to the location shown within the red line on the approved plan (dwg no. 3464.08).

6. Reason: In order to comply with the terms of the permission and in the interests of the character and appearance of the area and the significance of the Listed Buildings, in accordance with the provisions of the NPPF.