

Borough Council of  
**King's Lynn &  
West Norfolk**



**Borough Council of King's Lynn and West Norfolk's  
Response to  
the Issues and Questions raised by Inspector David  
Hogger  
in relation to the  
King's Lynn and West Norfolk Local Plan:  
Site Allocations and Development Management  
Policies**

**Issue 13: Burnham Market (G.17)**

**Examination  
June 2015**

## Table of abbreviations used with the Council's Statements

| Abbreviation | Full Wording   |
|--------------|--|
| AONB         | Area of Outstanding Natural Beauty                       |
| BCKLWN       | Borough Council of King's Lynn and West Norfolk          |
| BDC          | Breckland District Council                               |
| CLG          | Communities and Local Government                         |
| CITB         | Construction Industry Training Board                     |
| CS           | Core Strategy  |
| DM           | Development Management                                   |
| DPD          | Development Plan Document                                |
| EA           | Environment Agency                                       |
| FDC          | Fenland District Council                                 |
| FRA          | Flood Risk Assessment                                    |
| GI           | Green Infrastructure                                     |
| GTANA        | Gypsy and Traveller Accommodation Needs Assessment       |
| ha           | Hectare  |
| HELAA        | Housing and Economic Land Availability Assessment        |
| HLF          | Heritage Lottery Fund                                    |
| HRA          | Habitats Regulation Assessment                           |
| HSEHA        | Health and Safety Executive Hazard Areas                 |
| IDB          | Internal Drainage Board                                  |
| KRSC         | Key Rural Service Centres                                |
| KLATS        | King's Lynn Area Transportation Strategy                 |
| LDS          | Local Development Scheme                                 |
| LLFA         | Lead Local Flood Authority                               |
| LPSO         | Local Plan Sustainability Objectives                     |
| NCC          | Norfolk County Council                                   |
| NE           | Natural England  |
| NP           | Neighbourhood Plan                                       |
| NPPF         | National Planning Policy Framework                       |
| NORA         | The Nar Ouse Regeneration Area                           |
| NWT          | Norfolk Wildlife Trust                                   |
| OAN          | Objectively Assessed Need                                |
| PPG          | Planning Practice Guidance                               |
| PPTS         | Planning Policy for Traveller Sites                      |
| RV           | Rural Village  |
| RAF          | Royal Air Force  |
| RLA          | Residential Land Assessment                              |
| SA           | Sustainability Appraisal                                 |
| SAC          | Special Area of Conservation                             |
| SADMP        | Site Allocation and Development Management Policies Plan |
| SCI          | Statement of Community Involvement                       |
| SEA          | Strategic Environmental Assessment                       |
| SFRA         | Strategic Flood Risk Assessment                          |
| SHMA         | Strategic Housing Market Assessment                      |
| SHLAA        | Strategic Housing Land Availability Assessment           |
| SMP          | Shoreline Management Plan                                |
| SPA          | Special Protection Area                                  |
| SSF          | Site Sustainability Factors                              |
| SSSI         | Site of Special Scientific Interest                      |
| SuD          | Sustainable Drainage systems                             |
| SVAH         | Smaller Villages and Hamlets                             |
| SWMP         | Surface Water Management Plan                            |
| THI          | Townscape Heritage Initiative                            |
| UPC          | Un-attributable Population Change                        |

**13.1:**

**Is there evidence that any elements of the proposed development at Foundry Field (G17.1) are not justified, sustainable, viable, available or deliverable? If such evidence exists what alternatives are available and have they been satisfactorily considered by the Council?**

**13.2:**

**Is the requirement for the submission of a plan for the future management and maintenance of the car park and public facilities reasonable and justified (criterion 7)?**

**13.3:**

**Does plan G17 accurately show the site area and should there be a reference in the policy to the provision of a retail use on the site?**

**13.1: Is there evidence that any elements of the proposed development at Foundry Field (G17.1) are not justified, sustainable, viable, available or deliverable? If such evidence exists what alternatives are available and have they been satisfactorily considered by the Council?**

## **1. Introduction**

- 1.1. The Council's SA demonstrates that of all proposed options site G.17.1- Land at Foundry Field is considered the most sustainable option for development in Burnham Market out of all sites submitted for consideration. This is further explained in the supporting text accompanying the proposed policy G.17.1.
- 1.2. The Deliverability Form, prepared by the landowner, dated 26/03/14 (Appendix 1); states the land is vacant, available now and deliverable within the first 5 years of the plan period to 2026.
- 1.3. The site G.17.1 has received outline planning permission for the construction of 32 new dwellings, the provision of a public car park (186 spaces), retail units (Class A1, A2 or A3), public toilets and public open space and proposed pedestrian works and the demolition of the former day care centre and replacement dwelling 13/01810/FM.

## **2. Comparison of Alternative Options**

- 2.1. The BCKLWN considered other site options which have been outlined and assessed in the SA. The decision to choose site G.17.1 is based the fact that G17.1 (145) scored positive in the majority of categories, and did not score

negatively in any category other than infrastructure, pollution and waste which relates to the capacity of the water treatment works to serve the whole village. G17.1 (145) is considered the most sustainable option for development.

### **3. Conclusion**

3.1. The Council considers there is no evidence that the site is not justified. The site is sustainable, viable, and available and deliverable with the current planning permission granted on the site as noted above.

#### **Question 13.2: Is the requirement for the submission of a plan for the future management and maintenance of the car park and public facilities reasonable and justified (criterion 7)?**

1.1. The application, 13/01810/FM, was approved subject to planning conditions and also to the signing of a legal agreement which, amongst other topics, included the provision and transfer of the car park and public toilets to a management company set up to maintain and manage the car park, road and public toilets in perpetuity.

1.2. As this legal agreement has already been completed and signed by all relevant parties the Council would consider this approach is 'reasonable and justified'. The site is currently under construction but we have not yet reached the stage where the car park has been finished or is in use.

#### **13.3: Does plan G17 accurately show the site area and should there be a reference in the policy to the provision of a retail use on the site?**

1.1. A map which accurately shows the site area is included in the Council's list of Main Modifications. The Council is seeking to allocate housing development in the SADMP and is not seeking to allocate retail development. The planning permission includes retail use but this is not a required element of the allocation and therefore there is no justification for modifying the policy.

## Appendix 1

### *Fleur Hill BM LLP*

Planning Policy Team (Deliverability Form)  
Environment and Planning  
Borough Council of Kings Lynn & west Norfolk  
Kings Court  
Chapel Street  
Kings Lynn  
Norfolk  
PE30 1EX

28<sup>th</sup> March 2014

Dear Sir/Madam

**Re: Site BM1- Foundry Field, Burnham Market**

I refer to the Site Deliverability Form recently sent out in relation to Site BM1 and return this completed as requested.

This form should be read in reference to the submission made in October 2013 (a copy of which is attached).

As you are aware a planning application for this site under 13/01810/FM has been made.

Yours sincerely

  
Jamie Bird



|   |  |
|---|--|
| Site Reference  | BM1  |
| Are you the correct person/company to contact about the site? | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><p>If no, please explain why you are no longer the contact person/company for the site and please provide the correct contact details, if known, on the form below</p> |

| Contact details      |   |
|----------------------|---|
| Name                 | JAMIE BIRD  |
| Relation to the site | <input checked="" type="checkbox"/> Landowner<br><input type="checkbox"/> Agent<br><input type="checkbox"/> Other, please provide details |
| Company              | FLEUR HILL BM LLP   |
| Address              | 46 61 CROMER ROAD<br>HOLT<br>NORFOLK  |
| Postcode             | NR25 6DY  |
| Telephone            | 01263 712625 / 07909 777203   |
| Email                | jbird@fleurdevelopments.com   |
| Ownership            |   |

DEVELOPMENT SERVICE RECEIVED  
31 MAR 2014

|   |  |
|---|--|
| Is the land under single ownership?   | <input checked="" type="checkbox"/> <b>Yes</b><br><input type="checkbox"/> <b>No</b>                                   |
| If 'no' who are the other landowners?   | Please list other owners:  |
| Is the access to the site under separate land ownership/s   | <input type="checkbox"/> <b>Yes</b><br><input checked="" type="checkbox"/> <b>No</b><br>If yes, please provide details |
| <p>In the case that the site, or access to the site is owned by more than one landowner, the Council may contact you to establish which part of the site is under your control. If it is possible to indicate this on the attached map, or you have previously detailed this in documentation to the Council, please confirm this by providing details below.</p> |  |

**Availability**


|   |  |
|---|--|
| <p>Is the site occupied?</p>  | <p><input type="checkbox"/> Occupied<br/> <input type="checkbox"/> Part occupied<br/> <input checked="" type="checkbox"/> Vacant</p> <p>If occupied, please provide details</p>  |
| <p>When is the site available?</p>  | <p><input checked="" type="checkbox"/> Available now<br/> <input type="checkbox"/> Not immediately available but could be developed within the plan period (before 2026)<br/> <input type="checkbox"/> not within the plan period (2027+)</p>                                    |
| <p>If the site were allocated for development, when would you intend to develop the site?</p> | <p><input checked="" type="checkbox"/> 2014/15-2018/19<br/> <input type="checkbox"/> 2019/20-2032/24<br/> <input type="checkbox"/> 2024/25-2025/26</p> <p>Please provide any comments you may have on how firm the indicated dates are, and what would cause this to change.</p> |

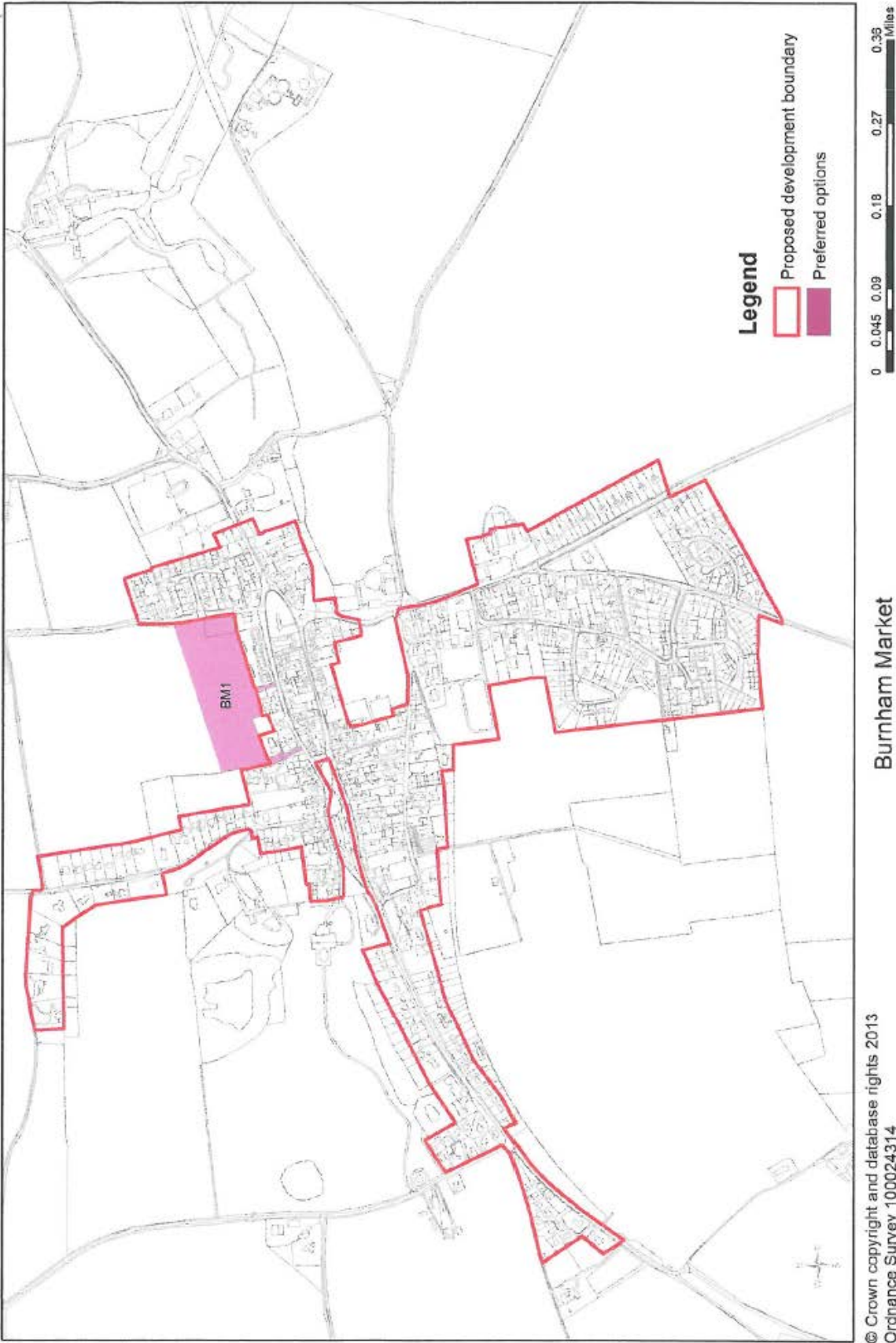
| Constraints   |   |
|---|---|
| <p>Are there any financial considerations that you are aware of that may influence whether or when the site would be developed?</p> | <p><input type="checkbox"/> Yes<br/> <input checked="" type="checkbox"/> No</p> <p>If yes, please provide details</p> |



|  |  |
|--|--|
|  |  |
| <p>Are you aware of any abnormal costs associated with bringing forward this site for development, e.g. contaminated land?</p> | <p> <input type="checkbox"/> Yes<br/> <input checked="" type="checkbox"/> No         </p> <p>If yes, please provide details</p> <p><i>THERE ARE NO ABNORMAL COSTS THAT PROVE A BARRIER TO THE DELIVERY OF SITE BM1</i></p>   |
| <p>Are there any other constraints that may prevent or delay development of the site? (see examples)</p>                       | <p>e.g. access issues, land contamination, ecology issues, land covenants, heritage issues, flood risk, legal issues, infrastructure requirements, hazards, land use, occupation of land, market demand, other?</p> <p> <input type="checkbox"/> Yes<br/> <input checked="" type="checkbox"/> No         </p> <p>If yes, please provide further details or state 'see submission for full details'</p> |

| Further Information  |   |
|--|---|
| <p>If the site was identified by the Council as a preferred option, have you read the draft policy relating to it?</p>   | <p><input checked="" type="checkbox"/> Yes<br/><input type="checkbox"/> No</p> <p>Do you have any comments on the requirements and consideration set out in that draft policy?</p> <p><i>COMMENTS HAVE PREVIOUSLY BEEN MADE AT THE PREFERRED OPTIONS STAGE, THESE PRIMARILY RELATE TO THE SITE ALLOCATION AREA WHICH IS SHOWN INCORRECTLY. A CORRECT AND ACCURATE PLAN HAS BEEN PROVIDED PREVIOUSLY HOWEVER A COPY OF THIS PLAN IS APPENDED TO THIS DOCUMENT.</i></p> |
| Other  |   |
| <p>Please provide details of any other viability issues in relation to the site that the Borough Council should be aware of that has not been covered in your submission or this form (use separate sheets if necessary)</p> <p><i>Not applicable.</i></p> |   |

|                  |   |
|------------------|---|
| Signature .....  |  |
| Print name ..... | <i>JAMIE BRO</i>  |
| Date .....       | <i>26/3/14</i>  |





LV/CAM.0947

2<sup>nd</sup> October 2013

LDF Team  
Borough Council of King's Lynn and West Norfolk  
Kings Court  
Chapel Street  
King's Lynn  
Norfolk  
PE30 1EX

Dear Sir/Madam

**Preferred Options for a Detailed Policies and Sites Plan**

I write on behalf of Fleur Hill BM LLP to provide representations on the Preferred Options for a Detailed Policies and Site Plan.

**Draft Policy BURN1 - Support**

My client supports the proposed allocation for residential development with 1.2ha of public car parking, related landscaping and public toilets at the Land at Foundry Field identified as BM1.

**Questions Rural Village - Burnham Market**

**Allocation BM1 Red Line**

Please note that the red line for the identified allocation BM1 includes the garden space for Cobham House which is incorrect. Please refer to the enclosed red line plan (Drawing Number: 16860/007) which correctly identifies the proposed development site. It is requested that the site plan identifying BM1 supporting Policy BURN1 is correctly updated.

**Amount of Residential Dwellings Allocated**

The proposed allocation BURN1 states that the site is allocated for development of 30 dwellings. It is considered that the Policy should be more flexible regarding the amount of housing sought at this site specifically due to the community facilities provided on site and the viability of the scheme.

Pegasus Group submitted a Screening Opinion to the Council in May 2013 which sought the Council's opinion on whether an application at this site would need to be accompanied by an Environmental Impact Statement. The description of development provided was "32 dwellings, the provision of a public car park (191 spaces), a small retail/office component (approximately 480m<sup>2</sup> internal floor space) and public open space". The Council's response dated 11<sup>th</sup> June 2013 confirmed that an EIA is not required. Furthermore, within the response, the Council stated that 32 dwellings "is not considered to have a wide-ranging effect upon this part of the Borough".

It is therefore requested that the wording of the proposed allocation be altered to refer to "up to 32 dwellings" and to reflect the proposed retail/office component to ensure flexibility for the future development of this site.

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#### Sand and Gravel

I can confirm that my client is willing to do some investigative research to address the possibility of sand and gravel extraction at this site which will be submitted alongside the planning application. It is considered that the County Council should be flexible in its approach to identifying sites for mineral extraction prior to development as any required extraction would result in substantial delay and impact upon the viability and delivery of needed residential, employment and community facility development at this site. Furthermore the proposed allocation site is adjacent to the existing residential area in Burnham Market and any possible mineral extraction at this site will have undesirable noise and dust impacts upon the existing residential area.

#### Dog Walking

It is noted in proposed Policy BURN1 at point 5 that the applicant is to comply with "a programme of publicity aimed at occupants of the development and other residents in Burnham Market highlighting the opportunities for recreation (especially dog-walking) in the vicinity avoiding areas within the Wash Special Protection Area and the North Norfolk Coast Special Protection Area. This will highlight the sensitivity of those protected areas to dog-walking and other recreation". It is requested that more detail is provided about the "programme of publicity" and the requirements needed to satisfy the Policy.

It will be necessary to consider how the proposed car parking facility at the site will interact with the existing opportunities for recreation (including dog walking) in the vicinity as the car park is not proposed to serve only these users. The car park is to provide an additional facility for use particularly during the peak tourist season.

#### Flood Risk

In response to paragraph 7.16.8 and criterion 4 of proposed Policy BURN1 I can confirm that soakage tests of the site have been undertaken and the soil is considered suitable for sustainable urban drainage system (SUDS). A full Flood Risk Assessment will be submitted alongside the planning application.

#### Other potential sites

It is considered that site described in proposed allocation BURN1, identified as BM1, is the most suitable site for residential development and community provision in Burnham Market.

Page 246 of the Preferred Options for a Detailed Policies and Sites Plan highlights the benefits of the site including:

- the proximity to village services,
- safe access can be achieved,
- the gradient of the site aids natural screening from the wider countryside and Area of Outstanding Natural Beauty, and
- crucially the proposal would deliver wider lasting benefits to the community in providing a village car park and toilet facilities.

It is highlighted at paragraph 7.16.4 that parking is a key issue in the village centre. We endorse paragraph 7.16.6 which outlines that one site can deliver "an exceptional benefit" to the village by providing a centrally located public car, toilet facility, and an element of affordable housing. As such this site is the most appropriate centrally located site to accommodate the car park to alleviate the key issue of parking.





Burnham Market Parish Council has shown considerable support in relation to proposed allocation BURN1 as summarised at paragraph 7.16.11 of the Preferred Options for a Detailed Policies and Sites Plan.

The emerging proposals at Site 145/BURN1 have been the subject of considerable discussion with the Parish Council and Traders Association within the village. Fleur Hill BM LLP completed a public consultation in 2012 about the proposed provision of residential development, car park and public toilets and this showed that 68% of attendees had unconditional support for the proposals.

**Justification for proposed allocation BURN1**

We endorse the comments at paragraphs 7.6.12-7.6.18 which repeatedly outline that the proposed allocation site is the preferred option for the delivery of housing and community facilities as identified within the Sustainability Appraisal and by comments from Natural England and Norfolk Coast Partnership.

The provision of the car park at this site is considered to be of significance to the local economy and environment as it will provide a designated location for car parking which is expected to enhance the existing visual streetscape by easing parking within the settlement. It is clear that the proposals for development at BURN1 will have a wider benefit to the community.

**Draft Policy POAW 7 – Provision of Recreational Open Space for Developments**

This policy is supported; however, it is considered that the policy should provide more detailed guidance on contributions in order to provide greater financial certainty. There still needs to be adequate flexibility built into the policy to allow for the financial viability of development.

There should also be a reduction on the emphasis on equipped play in order to incorporate principles of natural play as recommended and promoted by latest guidance. Fleur Developments have agreed with the Parish Council that, in lieu of provision of play equipment on site, a contribution toward improvement of play facilities on the existing playing field would be possible and appropriate. This is a Parish Council request and we respectfully ask that the allocation wording have sufficient flexibility to allow for this if agreed with the Borough Council.

I would be grateful if you can confirm the receipt of these representations and consider them in the progress of the Detailed Policies and Site Plan.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Lydia Voyias".

**Lydia Voyias**  
Planner

Direct Dial: 01223 202103  
Email: [lydia.voyias@pegasuspg.co.uk](mailto:lydia.voyias@pegasuspg.co.uk)

The King's Lynn & West Norfolk Borough Council's response to the Issues and Questions paper from Inspector David Hogger

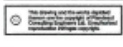


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- KEY**
- Property Boundary
  - Retained Land

| No | Date     | Rev | By | Description |
|----|----------|-----|----|-------------|
| 0  | 12-05-13 |     | PL | Final Issue |

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consulting engineers

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civil structural environmental surveying

Client  
**Fleur Developments**

Project  
**Proposed Residential Development  
Land off North Street,  
Burnham Market, Norfolk**

Drawing Title  
**SITE PLAN**

| Date        | U.N.D. | Date       | Drawn By |
|-------------|--------|------------|----------|
| 1:1000 (A1) |        | 15-05-2013 | IMP      |
| Drawing No. |        | 16860/007  | Rev 0    |