

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 41: Welney (G.113)**

**Examination  
November 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
SuDs	Sustainable Drainage systems
SVAH	Smaller Villages and Hamlets
SWMP	Surface Water Management Plan
THI	Townscape Heritage Initiative
UPC	Un-attributable Population Change

41.1

Is there evidence that any elements of the proposed development at the former Three Tuns/Village Hall (G113.1) 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 Sustainability Appraisal (SA01) demonstrates that of all proposed options for growth Site G113.1 Welney, Former Three Tuns/Village Hall and G113.2 – Welney land off Main Street are considered to be the most sustainable options for development in Welney. This is further explained in the site description and justification supporting text accompanying the proposed policies, within the SADMP.

2. Site G113.1 Welney, Former Three Tuns/Village Hall

2.1 The land that makes up the proposed allocation, Site G113.1, is in two ownerships. Part of the site is owned by Elgood & Sons Ltd. The agent representing this land owner has prepared a Deliverability Form (CIV13) that illustrates a desire to deliver this part of the site in the 2014/15 – 2018/19 time period.

2.2 The remainder of the site is owned by the Environment Agency (EA). In consultation with the EA they have confirmed that they own the site and have demonstrated a positive response to the land being allocated and developed. The land currently hosts Welney Village Hall, leased by the Parish Council. Welney Parish Council are in the process of securing funding for the relocation of this community facility, and are keen for the site to be included within the SADMP.

2.3 Ideally the site would come forward as one comprehensive scheme, encompassing both parcels of land. The Council would not want to see a community facility, the village hall, being lost without replacement. If the portion of the site owned by Elgood's was to come forward in isolation, as the agent is suggesting before the replacement of the village hall, then this could be acceptable providing the development of that portion does not inhibit the remainder of the site coming forward and being developed.

2.4 The Council, throughout the SADMP process has sought explanation and clarification on points raised by the Middle Level Commissioners (MLC). However, this has proved unsuccessful. Most recently on the particular point raised on this site we have asked the MLC to explain why the development cannot connect in to their drain. They have not provided any reason to explain their comment. The agent representing the site has stated (Appendix 1) that his client owns significant amounts of land adjoining the allocation site which could be utilised for SUDs infiltration or attenuation if required. MLC have identified a discharge route in their consultation if one is required because infiltration by soakaways is not suitable. The detail of the scheme can be developed in consultation with NCC as the LLFA, and the MLC at the design process stage that would inform a detailed planning application.

### 3. Site G113.2 – Welney land off Main Street

3.1 The site owner has prepared a Deliverability Form (Appendix 2) dated 14/07/2014. This indicates that the site is vacant, available now and there is a desire for the site to be deliverable within the 2014/15 – 2018/19 time period. The landowners have since employed an agent.

3.2 The Council throughout the SADMP process has sought explanation and clarification on points raised by the Middle Level Commissioners (MLC). However, this has proved unsuccessful. Most recently on the particular point raised on this site we have asked the MLC to explain why the development cannot connect in to their drain. They have not provided any reason to explain their comment. As mentioned previously part of the G113.1 was given planning permission, the agent representing the site has stated (Appendix 1) that due to the low density nature of the proposed development with a broad drain adjoining to be to accept discharge and there is sufficient space on the site to infiltrate or attenuate to Greenfield run off rates.

3.3 Historic England has raised a concern in their representation (637). In response to this, the agent has provided further comment and an indicative site layout. These illustrate that there is sufficient area within the site for the dwellings to be arranged in a fashion such that the proposed development preserves the views of the Church (Appendix 3). The Council proposes, in light of the Historic England's representation, to add the following policy item to Policy G113.2:

- 5. The design and layout of the development shall conserve the significance of the Grade II\* listed Church of St Mary the Virgin.

#### 4. Comparison of Alternative Options

4.1 The Council's Sustainability Appraisal (SA01) details the consideration of all alternative options and the reasons why these were not considered the most sustainable options for development. All sites in Welney have identified constraints due to the nature of the settlement (grade of agricultural land, highways issues, flooding, etc.) and that in the interest of delivering development in a Rural Village the Council has chosen the least constrained and therefore most sustainable options for development.

4.2 As indicated by Historic England and discussed earlier in this statement, the score for G113.2 (Part of 376) 'Heritage' should be updated to '#' to reflect the heritage assets. The score for 'Highways and Transport' should also be updated to '#' as NCC Highway Authority has not raised an objection.

4.3 Members of the Local Development Framework Task Group were made aware of the options and sites proposed for growth and made their decisions based upon the information provided in the SADMP process at that time, which included site visits.

#### 5. Conclusion

5.1 Having liaised with the Development Management Team regarding the IDB comments they are confident there is an appropriate design solution. This has been and is current practice with planning applications in similar circumstances.

5.2 The Council considers that the proposed residential developments for Welney, Site G113.1 and G113.2 are justified, sustainable, viable, available and deliverable.

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## Appendix 1: Agent Email

From:

John Maxey (Maxey Grounds & Co LLP) <jmaxey@maxeygrounds.co.uk>

To:

Alex Fradley

Cc:

Subject:

RE: Outwell & Welney Sites

Sent: Fri 26/06/2015 16:23

Mr Fradley

I note Middle Level's comments. With respect to them as the IDB, it is their habit to flag up on all consultations that are at "outline" stage all potential barriers to development rather than considering how these can be overcome.

G104.6 (OUT2) which is for 35 units on 2 ha is at a density where there is ample scope for a SUDS scheme to be designed and accommodated on site, either to infiltrate or to attenuate to Greenfield run of rates. The detail of any drain improvement which is likely to be minor if flows are attenuated, can be determined at the detailed design stage.


G.113 (WEL1) is a site for only 7 units which previously had consent. My client Elgood and Sons Ltd owns significant amounts of land adjoining the allocation site which could be utilised for SUDs infiltration or attenuation if required. MLC have identified a discharge route in their consultation if one is required because infiltration by soakaways is not suitable.

G113.2 (Site 376) is again a low density site (13 on 2 Ha) with a board drain adjoining to be able to accept discharge and space on site to infiltrate or attenuate to Greenfield run off rates.

I would thus suggest that in all of these cases a satisfactory form of surface water drainage is achievable. The detail of these schemes can be developed, in consultation with both the LLFA and MLC as part of the design process leading to a planning application. I believe the IDB is unduly pessimistic as to the ability of these relatively low density sites to accommodate the necessary drainage provision, and the viability of the schemes to enable delivery. You will note that all their comments are phrased "may be" rather than will be, and should be, in my view, considered precautionary rather than indicating insurmountable constraint.

Regards

John Maxey MA(Cantab), FRICS, FAAV  
For and On Behalf of Maxey Grounds & Co LLP




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## Appendix 2. Deliverability Form

Further Information	
If the site was identified by the Council as a preferred option, have you read the draft policy relating to it?	<div><input type="checkbox"/> Yes</div> <div><input checked="" type="checkbox"/> No</div> <div>Do you have any comments on the requirements and consideration set out in that draft policy?</div> <div>HAVE NOT SEEN THE DRAFT POLICY WE HAVE BROCHURES REGARDING CORE STRATEGY ETC - BUT DO NOT REMEMBER SEEING THE ABOVE</div>
Other	
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)	

Signature	
Print name	PAMELA M ROBERTS
Date	1.1.14



Is the land under single ownership?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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"/> Yes <input checked="" type="checkbox"/> No  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**

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

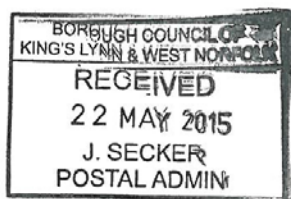
Constraints	
Are there any financial considerations that you are aware of that may influence whether or when the site would be developed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please provide details

<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  <input checked="" type="checkbox"/> No         </p> <p>If yes, please provide details</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  <input checked="" type="checkbox"/> No         </p> <p>If yes, please provide further details or state 'see submission for full details'</p>

Further Information	
If the site was identified by the Council as a preferred option, have you read the draft policy relating to it?	<div><input type="checkbox"/> Yes</div> <div><input checked="" type="checkbox"/> No</div>
	<p>Do you have any comments on the requirements and consideration set out in that draft policy?</p> <p>HAVE NOT SEEN THE DRAFT POLICY. WE HAVE BROCHURES REGARDING CORE STRATEGY ETC - BUT DO NOT REMEMBER SEEING THE ABOVE</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>	

Signature .....	
Print name .....	PAMELA M. ROBERTS
Date .....	1.1.14

### Appendix 3. Agent comments and indicative site layout



**MAXEY  
GROUNDS  
& CO**

**Your ref:**  
**Our ref:** JRM/R973  
**Date:** 20th May 2015

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Planning Policy Team  
Borough Council of King's Lynn & West Norfolk  
Kings Court  
Chapel Street  
Kings Lynn  
PE30 1 EX

For the attention of Mr A Fradley

Dear Sirs

**Re: Site G113.2 (Part of Site 376)  
Land off Main Street, Welney**

I refer to your letter of the 9th April 2015 regarding the above site and the representations made by English Heritage.

Mr & Mrs Roberts have consulted me and asked me to respond to these representations on their behalf.

I note that English Heritage's comment is directed at protecting the setting of the Church of St Mary the Virgin with the intent of maintaining views of the church as people travel through the village.

I have looked at the detail of the comments of English Heritage and, given that they appear to accept that development of the Main Street frontage north of Grange Farm is acceptable, I do not understand their objection to land behind that frontage development being undertaken. Views from Main Street are obscured by Grange Farm until one is in front of the curtilage of Grange Farm, and views from New Road are obscured by the frontage development along New Road, and the trees around Grange Farm. The only possible location from where an open view of the church can currently be obtained is from Back Lane, and the potential angle of that view, as illustrated by the enclosed exert from the Site Allocation Pre-submission Document, is such that only a very small proportion of the allocation land would be in line with that view.

It is thus our position that we believe that judicious layout of the allocation, as demonstrated by the indicative plan enclosed, can ensure that this view from the west is preserved without requiring any amendment to the proposed allocation area.

The allocation site at approximately 1.2Ha for 13 dwellings is generous and there is ample opportunity for arranging the development layout to ensure that views are preserved.

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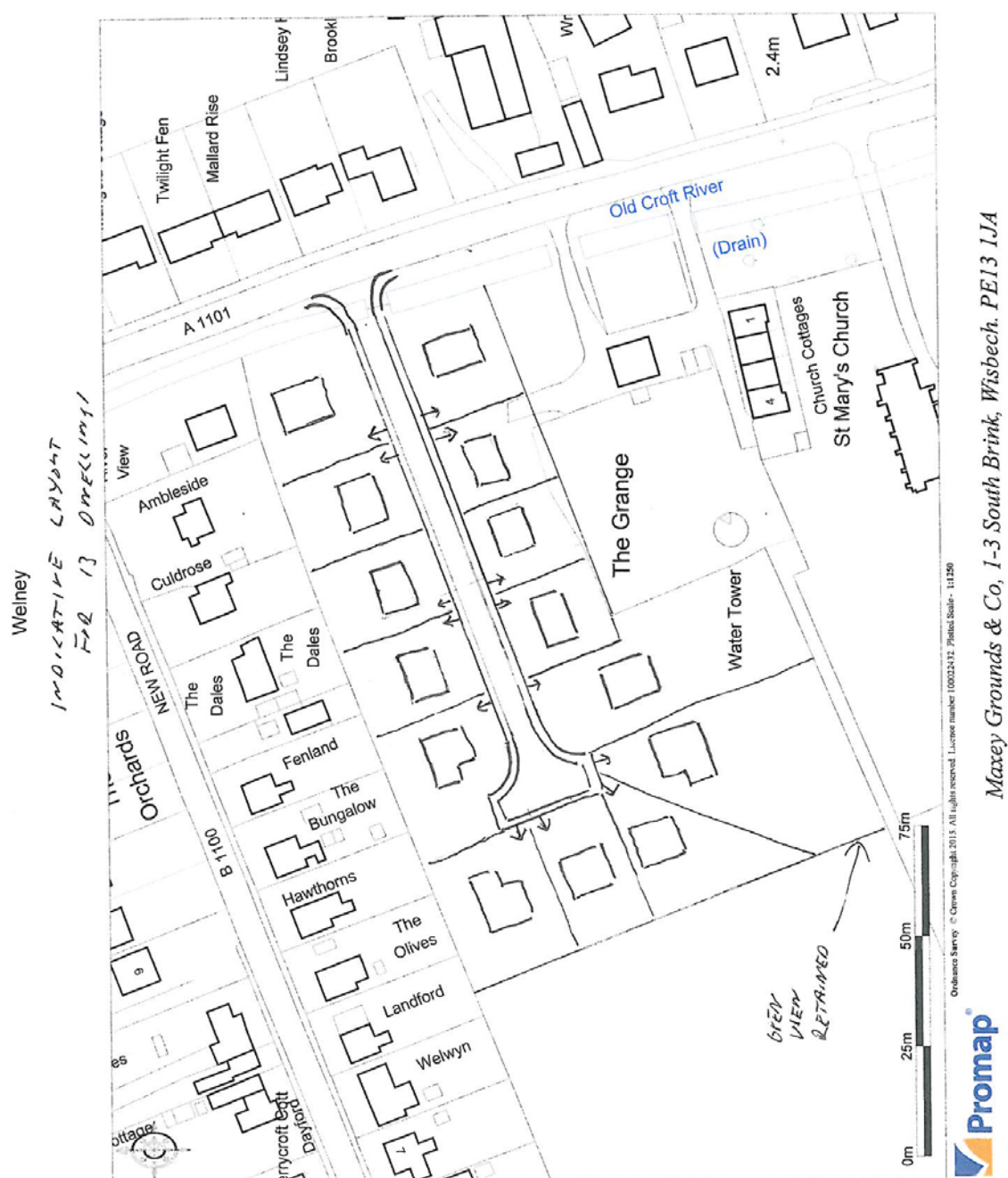
We trust this will assist you in your response to English Heritage objections, and in continuing your support for allocation of this area of land for 13 dwellings.

Yours sincerely

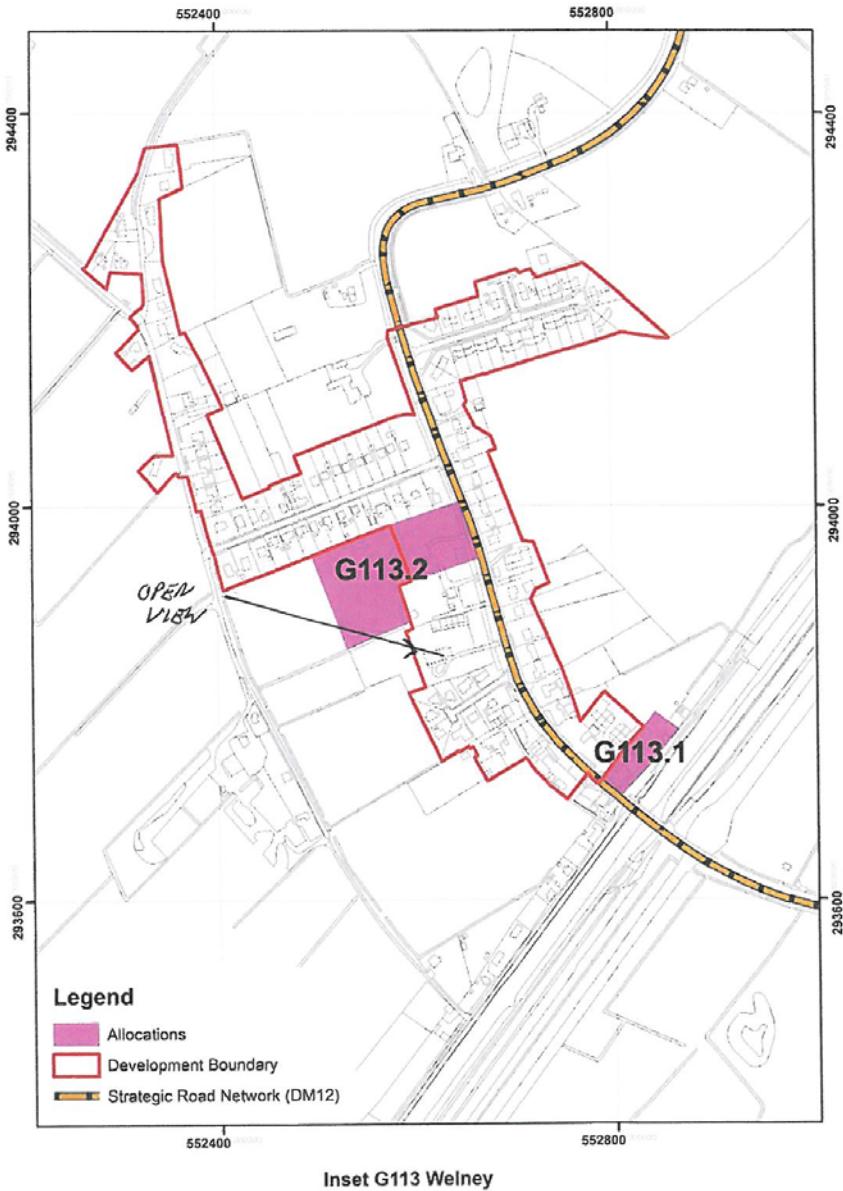


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Ex cc Mr & Mrs T Roberts

Enc



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