

**King's Lynn and West Norfolk Borough Council, Local Development Framework
Site Allocation and Development Management Policies**

Gayton: Policy/Site G41.1 and Gayton Mill Site GAY09

June 2015

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- 1 Site GAY09 - Resumé of Development and Planning History
 - 1.1 The site forms part of a larger area, developed in stages over many years; buildings first having been erected near to, and used with the milling operations taking place in the neighbouring tower windmill. Uses taking place on the site were mainly for the processing of milled flax to create cattle feedstuffs.
 - 1.2 Following the grant of planning permission in 1988 for "the construction of additional dry goods stores and installation of weighbridge", final phase of expansion took place. This permission included building over Site GAY 09. (Appendix 1 Diagram)
 - 1.3 In the event, the building was only partially completed. The area of the site not built upon (GAY09) remained in use for the open storage of unprocessed flax and the disposal of flax waste from the processing. This part of the site was also used for parking.
 - 1.4 The district-wide Local Plan adopted in 1998 divided Gayton Mill into two distinct policy areas. Approximately 2/3rds of the site was shown as Built Environment Type D, which under Policy 8/1 allowed for the development of small groups of dwellings (5 maximum). The remaining area (GAY09) was defined as being outside the built environment.
 - 1.5 The delineation of the development boundary had probably erroneously, closely followed the existing buildings on site, rather than taking into account the development permitted by the planning permission and the existing use of the whole site. As the undeveloped land enjoyed what was then understood to be an extant planning permission, one which would allow for further building expansion as required, its owner did not see any need to object to the provisions of the Local Plan during its preparation.
 - 1.6 Due primarily to changes in agricultural support for flax, industrial processing of it became uneconomic. The plant was forced to cease operation early in the year 2000.

Since that time, the whole site and buildings and have remained vacant.

- 1.7 In 2003, I was appointed to advise the owner of Gayton Mill. I produced an appraisal report for the site prepared within the context of the intended Local Plan Review and the search for housing sites to meet Structure Plan forecasts. It suggested inter alia, firstly that the site was suitable for residential development exceeding in number the five dwellings allowed by the then current LP. Secondly, that the LP boundary did not correctly reflect past use of the site or its planning history. The LP Review and then the subsequent LDF process was seen as an opportunity to resolve what appeared a somewhat anomalous situation.
- 1.8 Following the move to Local Development Framework preparation and updates to planning policy guidance, the report was revised in 2006. The reports were discussed with District Council planning officers - both in planning policy and development control - and informal encouragement was given to the possibility of a residential planning application. Therefore in 2007, an initial application was made with permission being granted in 2008. The permission has subsequently been renewed; the latest being granted towards the end of 2014. (Appendix 2 shows the Indicative Layout). The signed Section 106 Agreement provides for highway improvements including the creation of a footpath, affordable homes and contributions to education, library provision as well as highway junction alterations.
- 1.9 Having drawn the Council's attention to the site's brownfield status, reminders were made throughout gestation of the LDF. At no stage has the brownfield status of the site been challenged. Despite this, consultation documents produced by the Council have consistently failed to note that the site is "brownfield". This became of increasing concern, especially during the latter stages of public consultation. The "Issues and Options Consultation of September 2011 described the whole site;

"Site GAY 09 is mixed site containing previously developed land and some greenfield land (grade 3 agricultural)"

The description was both incorrect and misleading, it had not been greenfield for a considerable time. The site was similarly described in the SHLAA.

1.10 I felt considerable concern at the continuing errors regarding the site. My letter of the 20th February 2012 (Appendix 3) drew to the Council's attention to the matter. It included the following;

"As well as being factually incorrect, the description runs contrary to the definition of previously developed land which refers "to all land within the curtilage of the site."

1.11 During the LDF process, assessment and appraisal of alternative housing allocation sites within Gayton seem to have given little, if any consideration of the importance of brownfield land. Successive consultations were silent as to its relevance and importance.

1.12 Nevertheless, the subsequent the "Preferred Options for a Detailed Policies and Sites Plan" was produced in 2013. Paragraph 7.40.18 showed that;

"The response to the consultation was not of a scale to suggest any one site was preferred for development."

- this despite the consultation documents remaining mute as to the brownfield nature of site GAY09.

1.13 Core Strategy preparation of the was well advanced at this time. The key Spatial Strategy - Policy CS01 includes;

"Significant emphasis is placed on brownfield redevelopment within towns and villages."
(my underlining)

1.14 Given the prominence of this policy within the Core Strategy, the lack of consideration to the brownfield criteria in judging the suitability of sites for housing in Gayton is regrettable. The importance of brownfield land contributing to new development is emphasised by the National Planning Policy Framework.

1.16 Paragraph 17 of the NPPF gives a number of core planning policies. Included is the need to;

"Encourage the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value."

- Policy CS01 accords closely to this.

2 Soundness of the SADMP

- 2.1 Given the omissions of fact referred to above and a resultant failure to follow the guidance of the NPPF with regard to the importance of the reuse of brownfield land, proposed Policy G41.1 fails to accord with the Core Strategy's own policy emphasis.
- 2.2 Its justification requires examination. During the 2013 Preferred Option Consultation (PODPSP), site GAY09 was shown to have achieved "non-preferred option" status; it was not one of the ten "rejected sites". As a non-preferred option it was deemed to be a "reasonable option".
- 2.3 The 2013 selection was of the "Preferred Option Site" GAY1. From the consultation document, the advantages of this site in terms of environmental sustainability over the "non-preferred option" of GAY09 were issues concerning "distance from village services" and "development would encroach into the surrounding countryside".
- 2.4 The change from the previously preferred option site of GAY 1 to that of G41.1 has altered the "main comparative reason(s) for selection". (Page 340 of PODPSP 2013). Site G41.1 is further from many of the key village facilities than GAY1 - an important reason for its earlier selection.
- 2.5 Furthermore, the distance of many parts of site G41.1 are further from key village facilities, including the primary school, church, bus stop and The Crown public house, than site GAY09 itself. I note that some of the other facilities including shop and post-office are beyond reasonable walking distance from both sites. In terms of the sustainability appraisal as previously applied, site G41.1 offers little or no advantage over GAY09.
- 2.6 Regarding justification, the other selection criteria affecting GAY09 was that it was seen to "encroach into the surrounding countryside". The site is already well screened from alongside the B1145; new planting alongside the eastern boundary would augment the mature screening along the northern boundary. The approach to Gayton from the east is now visually dominated by the recent construction of a grain store and farm complex, sited almost opposite site GAY09.

- 2.7 The visual aspect to the site assessment - as summarized in the PODPSP - probably did not reflect as to how alternative uses for the site might appear. The erroneous "greenfield" status appears to have been applied regardless to both a present and future context. Being brownfield, should a business or commercial use be reinstated, a minor but similar impact to that of appropriate residential development could occur. Once again the lack of consideration regarding the brownfield character of the site prevented a realistic assessment taking place.
- 2.8 Under these circumstances, I find the previous rejection of site GAY09 to be unjustified.
- 2.9 Therefore policy G.41.1 cannot be said to have been positively prepared or justified. Policy G41.1's allocation of greenfield land for housing is therefore unsound.

3. Making it Sound

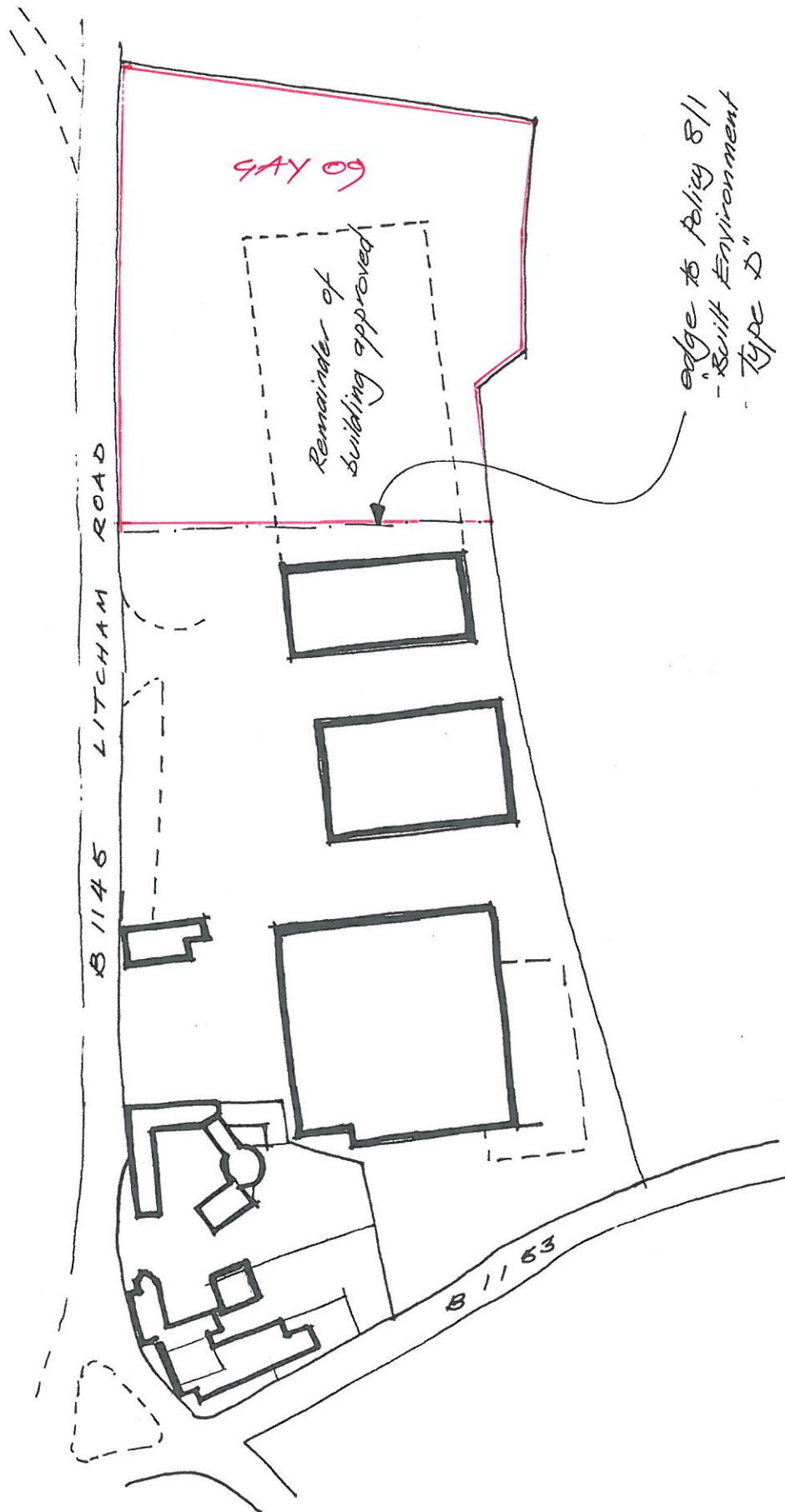
- 3.1 Spatial Strategy CS01 of the Core Strategy document is sound; it accords with the NPPF. However due to its failure to accord with either policy CS01 or NPPF, policy G41.1 is unsound. Revision is therefore required to bring it in line with the overriding framework policies.
- 3.2 Having regard to the above, I therefore respectfully request that consideration be given to the amendment of the Development Boundary shown in diagram titled "Inset G41 Gayton" so as to enable the inclusion of site GAY09 within the defined boundary. Any other allocation may be adjusted accordingly.

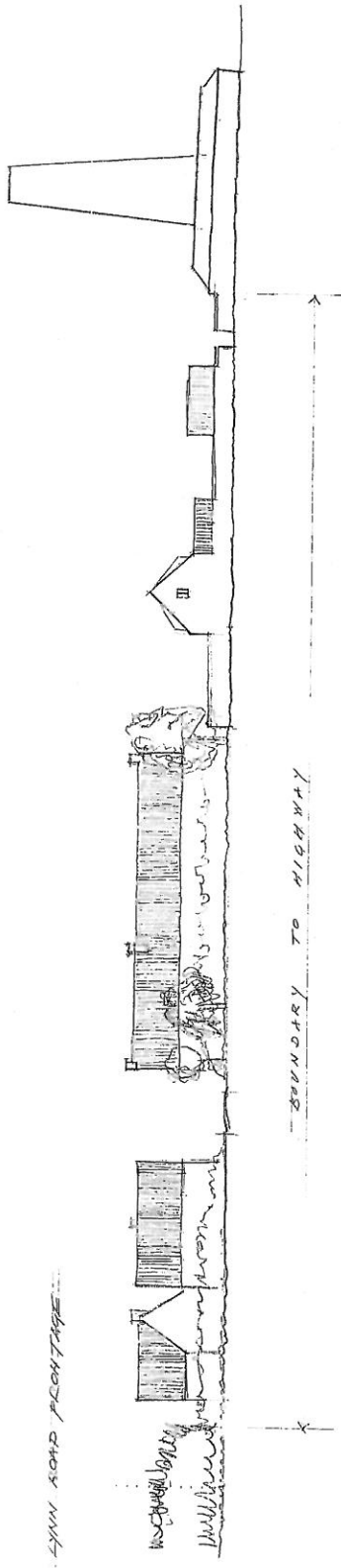
Greg Garland MRTPI

June 2015

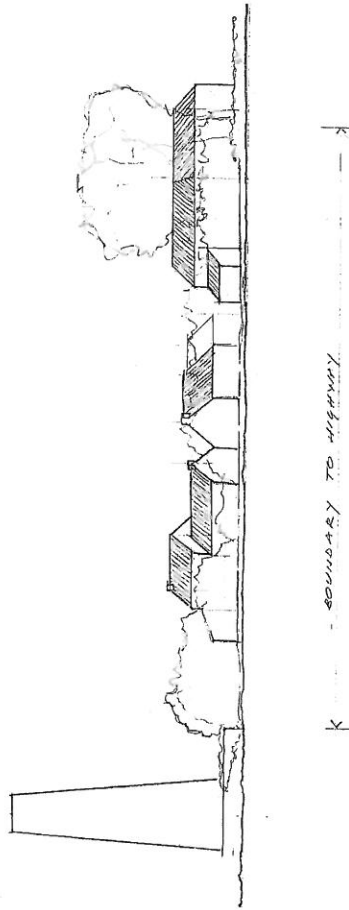
Addendum

An indicative layout for custom / self-build houses on site GAY09 (Appendix 4) was shown to Gayton Parish Council at its meeting on 7th June 2015. The Parish Council





B1153 FRONTAGE



Gayton Mill, Gayton, Norfolk

Proposed New Housing
Illustration of "massing" of new dwellings

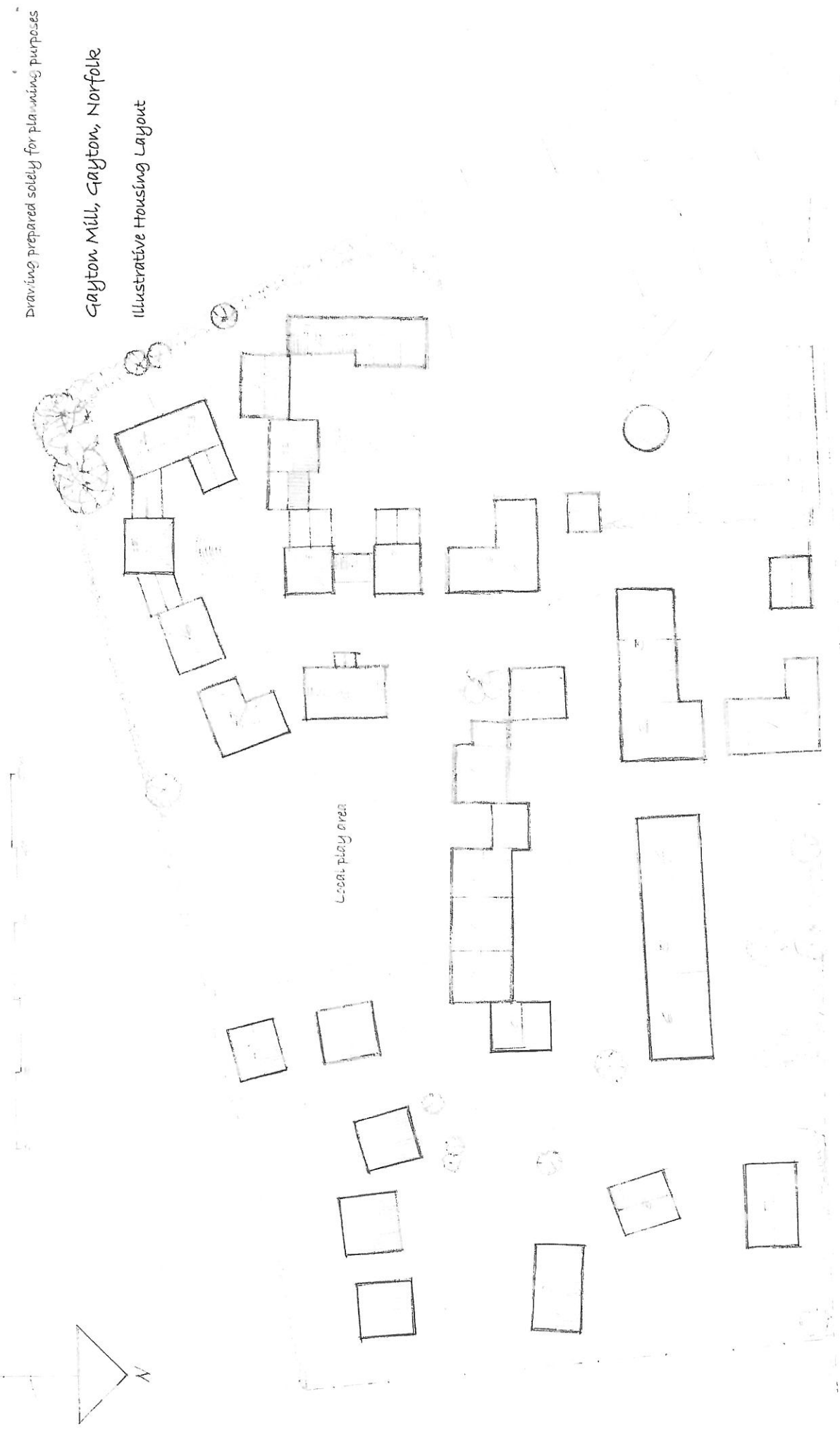
Scale: 1:500 May 2007

Greg Garland Chartered Town Planner

Drawing prepared solely for planning purposes

Gayton Mill, Gayton, Norfolk

Illustrative Housing Layout



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Chartered Town Planner & Surveyor
6 Chapel Court, Chapel Street, King's Lynn.

Scale of 1:500 @ A3

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Head of Development Services
Borough Council KL&WN
King's Court
Chapel Street
Kings's Lynn
PE31 1EX

20 February 2012

Dear Mr Hall

Site at Gayton Mill
LDF reference RI 301

I have been acting on behalf of the owners of this site for some considerable time. Various representations have been made regarding the part of the site outside the urban development boundary; initially as part of the Local Plan Review, subsequently in relation to the LDF preparation.

The boundary was drawn in the last Local Plan following the line of buildings existing on the site. This was not challenged at that time as my client enjoyed the benefit of a planning permission to build [extend] the industrial building across the length of the site. While the industrial use was in operation, this part of the site was used for open storage and parking.

Despite representations to the contrary, the part of the site outside the boundary continues to be described in the SHLAA and consultation document as "Greenfield".

As well as being factually incorrect, the description runs contrary to the definition of previously-developed land which refers to "all land within the curtilage of the site".

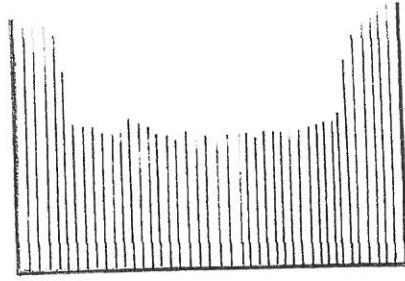
My concern is that any appraisals of the site by officers or members will have been based on a basis of it being "Greenfield" rather than "previously developed". The appraisals are therefore inaccurate.

I write to enquire how this has happened and how it can be remedied.

Yours sincerely

Greg Garland

Agricultural Store - part of Farm Building Complex



Wells Wandy Lane

Litcham Road

Existing tree planting

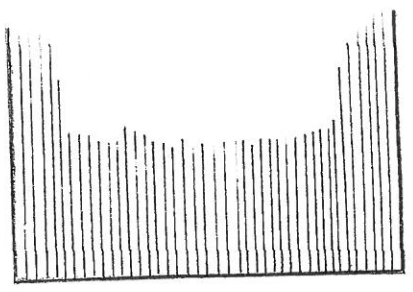
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Landscape Screening and Shelter Belt Planting

Area for sustainable drainage

South facing orientation of dwelling for maximum solar / PV gain

Agricultural Store - part of Farm Building Complex



Wells Woady Lane

Litcham Road

Existing tree planting

Access via approved access 14/00325/0M

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