

**Borough Council of King's Lynn and West
Norfolk Local Plan Examination**

**Matter 5 Statement - Settlements & Sites:
Growth Key Service Centres**

**Response on behalf of Silverley Properties Ltd
(on behalf of the landowner)**

December 2022

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Client
Silverley Properties

Our reference
SILC3006

December 2022

1. Introduction

- 1.1 This Hearing Statement has been prepared by Turley on behalf of Silverley Properties Ltd, on behalf of the landowner (Judy Patricia Matthews Nana) pursuant to Matter 5 Settlements & Sites: Growth Key Service Centres.
- 1.2 Silverley Properties Ltd have been actively promoting allocation site MAR1 for residential development, on behalf of the landowner, having the benefit of an option agreement on the site. Representations were submitted in 2019 to the draft Local Plan Review 2019 consultation and again in 2021 to the Local Plan Review Pre-Submission Document consultation.
- 1.3 It is highlighted that primarily Silverley Properties Ltd wholly support the allocation of MAR1 for the residential development of 35 dwellings. As set out within the 2021 representations, the only comment made in relation to Policy MAR1 was to update the site name to better identify its location. The authority has addressed this in their Schedule of Suggested Main Modifications in Plan Order, October 2022, which is supported.
- 1.4 However, the Main Modifications document also adds additional text under criterion 1. in relation to the requirement of a new, all-weather footpath/footway:
- '1. Subject to safe access, including provision of a continuous, all weather, off carriageway footpath/footway between the site and Cherry Tree Academy infant school at Cedar Road, being achieved to the satisfaction of Norfolk County Council as the local highway authority'***
- 1.5 Whilst the principle of the residential allocation under MAR1 is strongly supported, Silverley Properties Ltd object to this additional major infrastructure requirement, which has been added to the policy wording at a very late stage in the plan making process with no evidence or justification.
- 1.6 Our client's concerns around the need for this specifically identified new infrastructure is therefore the principal focus of this Hearing Statement and frames our response to the Inspector's questions.
- 1.7 Silverley Properties Ltd have requested that their professional planning and transport advisors therefore participate in the Matter 5 hearings to fully articulate these concerns.

2. Response to Questions

Land off School Lane, Marham (Policy MAR1)

Q 177. Is the Plan justified in allocating further land for housing development at Marham? What is the evidence to support the need for the number of additional homes that are proposed to be allocated at MAR1?

- 2.1 Silverley Properties Ltd consider that the Plan is fully justified in allocating homes at MAR1 and agree with the Council that this site should be included to support the LP01 Spatial Strategy and LP02 Settlement Hierarchy.
- 2.2 As set out in previous plan representations, Marham's position within the settlement hierarchy as a Growth Key Rural Service Centre has historically not been recognised with the allocation of a significant enough level of new housing growth to commensurate with its settlement status in the hierarchy.
- 2.3 There are currently only 2 allocation sites within Marham, totalling 85 dwellings. Prior to the allocation of MAR1 the settlement only had an allocation of 50 homes at site G56.1, which was carried forward as an allocation from the adopted Plan. It would therefore be both illogical and a wasted opportunity not to add additional housing allocations, where sustainable, to a settlement that has been recently elevated to a new position in the hierarchy, by virtue of its assessed sustainability.
- 2.4 As illustrated by the distribution table under Policy LP01, Marham will deliver 85 homes which equates to just 2% of the new homes allocated across the entire Borough. For a settlement recently identified for growth, this is a very small contribution to the overall spatial strategy. Therefore, the MAR1 allocation is all the more valuable in ensuring the future early delivery of sustainable new homes within Marham.
- 2.5 Marham is clearly recognised as a sustainable settlement for growth, and the site is within a sustainable location within the village to benefit from the services and facilities offered. Marham has schools, a medical centre, a village hall, a place of worship, a mobile Post Office and a take-away. The settlement is therefore a sustainable community in its own right. There are also other services accessible to the public close to the RAF Base. Within Marham there are bus stops providing services to King's Lynn, from Monday to Saturday. The Council's Sustainability Appraisal 2020 sets out on page 126 that 'the site is located within a reasonable distance to a number of local facilities'.
- 2.6 The RAF Marham Airbase also provides a significant amount of employment, being one of the largest employers in the area. In Policy LP02 the Council set out the desire to support RAF Marham through further housing options. As set out within the Council's Further Consideration of the Settlement Hierarchy Document, the Council also acknowledge (on Page 3) that Marham is a sustainable settlement and '*plays host to one*

of the areas key employers in RAF Marham both in terms of primary and secondary employment.'

Q 178. Is the housing allocation justified, effective and consistent with national policy, with particular regard to: a) the effect of the development on landscape character, biodiversity, agricultural land, flood risk and highway safety infrastructure and facilities? b) the relationship of the site to the existing settlement and its accessibility to local services and facilities;

2.7 Silverley Properties Ltd consider that the allocation is justified, effective and consistent with national policy. Pre-application advice was received from the Council in 2019 for residential development (see **Appendix 1**). This formal advice did not identify any fundamental constraints to the development proposed on the site or any resulting significant impacts of harm.

2.8 A number of consultees commented on the proposal and similarly did not raise any issues that could not be dealt with by way of further detail and design development as part of a planning application. The main constraint identified in the advice was that at the time of writing, the site location was outside of the settlement boundary, which would later be addressed through the proposed residential allocation of the site.

2.9 Further commentary on the relevant matters discussed is provided within the written representations to the Draft Local Plan Review 2019 consultation, with work having been carried out by the Silverley Properties Ltd project team to begin to assess the impact of development on these matters.

2.10 As has been referenced under the answer to question 177 above, the site is considered to have very good access to services and facilities within Marham, with the site being conveniently located towards the centre of the village. This position has been confirmed within the Council evidence documents referenced.

Q 179. Should Policy MAR1 require the proposed development to contribute to improvements to education and health facilities, public transport and other local community infrastructure as necessary to support the additional homes?

2.11 Silverley Properties Ltd accept that contributions may be necessary where specifically identified by statutory providers and where they meet the tests of reasonableness under Paragraph 57 of the National Planning Policy Framework (NPPF). It is considered that where reasonably required, that these obligations can be negotiated with the Council as part of the normal procedure of a future planning application.

2.12 Objections are however raised to the recently amended wording proposed under the Schedule of Suggested Main Modifications in Plan Order, October 2022 which introduces a requirement for the specific provision of an extensive all-weather footpath/footway. A more detailed response to this additional requirement is provided subsequently, under the answer to question 181.

Q 180. Is there a reasonable prospect that site MAR1 will be available and could be viably developed between 2027/28 and 2028/29? If so, what evidence is there to support this delivery trajectory?

2.13 Silverley Properties Ltd are a land promoter and development business with interests across East Anglia.

2.14 The answer to question 180 is clearly yes. The site MAR1 is available now, offers a suitable location for development now, and is achievable, with a realistic prospect that new housing will be delivered on the site within five years or sooner. There are no legal, physical or other abnormal constraints to early delivery. The primary determining factor which governs when this site will be delivered is the planning application process itself.

2.15 Silverley Properties Ltd have a binding contract with the landowner to actively pursue the delivery of the site. As such, given the modest scale of the proposed development, Silverley Properties Ltd will be looking to submit a full planning application at the earliest opportunity, following confirmation of the allocation. An earlier planning application can also be considered, subject to liaison and further engagement with the Council.

2.16 As a land promoter, Silverley Properties will primarily seek to engage with a housebuilder to deliver the site, once a confirmed allocation or operational planning permission is in place. In this regard, there is no evidence to suggest that market interest in this site will not be strong, given the benefits of the settlement location. This is supported by a letter prepared by Brown & Co within **Appendix 3**.

2.17 Furthermore, the business model of the Company also allows for Silverley Properties to obtain and build out the site themselves, where this is preferable. In lieu of securing an operational permission, a project team has been assembled for the purposes of submitting a planning application, with consultants currently at varying stages of technical document preparation.

2.18 Reference to the Council's Local Development Scheme 2021-2023, indicates that the adoption of the Local Plan will take place in the last quarter of 2023. On this basis, a full planning application could be submitted to the authority in the last quarter of 2023 or first quarter of 2024 following adoption (and potentially sooner by consensus). Following the discharge of conditions it is anticipated that work could then start on site by 2024, with development completion achieved by 2026 (i.e. approximately 3 years from the date of the Hearing). As such, it is considered that the delivery timescales, envisaged by Silverley Properties are actually quicker than those currently identified by the Council.

2.19 Previous references within this Hearing Statement to the Sustainability Appraisal 2020 are also highlighted at this juncture, with a clear conclusion reached in relation to the deliverability of the site informed by the lack of constraints. The Site Discussion on page 128 states that the site *'would be potentially suitable for allocation given that it scores*

positively overall, it is relatively constraint free, and it is currently the only site which could potentially come forward and be developed at Marham’ (note that the site reference in this document is 2H041).

- 2.20 It is also reiterated that the site has been subject to pre-application discussions with the Council (**Appendix 1**) which identified the only major issue with the site coming forward as being the location of the site outside of the settlement boundary, and that the applicant should follow the promotion through the Local Plan route. No other significant constraints were identified.

Q 181. Are the Main Modifications suggested by the Council to Policy MAR1, its supporting text and site allocation map, necessary for soundness?

- 2.21 There are three Main Modifications proposed in the Council’s Schedule of Suggested Main Modifications in Plan Order, October 2022. Silverley Properties Ltd support the change to the site name, which they proposed in comments to the Local Plan Review Pre-Submission Document consultation. This is because School Lane is not adjacent to the site. This error was likely a wording hangover from the previously proposed MAR1 allocation, which was for a different site in the village, that has since been discounted. Silverley Properties Ltd also agree with the addition of the site allocation map as shown.

- 2.22 Silverley Properties Ltd do however object to the addition of wording to point 1, referencing the need for off-site infrastructure, under the policy. This requirement states as follows:

‘1. Subject to safe access, including provision of a continuous, all weather, off carriageway footpath/footway between the site and Cherry Tree Academy infant school at Cedar Road, being achieved to the satisfaction of Norfolk County Council as the local highway authority’

- 2.23 The Council have not consulted with Silverley Properties Ltd or the landowner in relation to this additional wording, there is no evidence and no reasoned justification to support the additional wording and there has not been the opportunity to comment upon this new requirement until this juncture.

- 2.24 It is understood that this addition is likely to have been made following the comments of Mr David Wilson at Norfolk County Council to the Local Plan Review Pre-Submission Document consultation which stated:

‘Without implementation of the measures included in Policy G56.1, a continuous safe, off-carriageway walking route is not available between the site and the catchment infant school (Cherry Tree Academy, Marham Infant).

Please add a requirement to provide a continuous, all weather, off carriageway footpath / footway between the site and the catchment infant school that is located at Cedar Road.’

2.25 Norfolk County Council do not provide a scheme, and no evidence or justification is given as to why this is necessary. It is understood that the Officer is referring to point 1. under Policy G56.1 and specifically the highlighted text below:

*‘Provision of a new road access to the school; new bus pull-in on The Street, **improvements to the footpath between the old village and the airbase**; a new footpath avoiding the double bends in The Street; and a community area including open space and a play area.’*

2.26 For the avoidance of doubt, the schools within Marham are part of the Cherry Tree Academy Trust, with the Junior School located just to the north east of the site, off Hillside, and the Infant School located in the area of RAF Marham or ‘Upper Marham’, to the south east at Cedar Road. The Junior School would be accessible from the site by existing footways whereas the Infant School is beyond an area of agricultural land crossed by a farm track.

2.27 The NPPF in paragraph 57 sets out that planning obligations can only be sought where they meet certain tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

2.28 Silverley Properties Ltd do not feel that the footpath requirement would meet these tests, with their reasons set out as follows.

2.29 Within **Appendix 2** of this Hearing Statement, PSP Consulting have prepared a Transport Note. This consultancy has been working closely on this site for some time, and are very familiar with the local transport context. The note includes a helpful plan indicating the route that it is understood the Council are referring to, which is not a Public Right of Way but a permissive route through agricultural land, not within the control of the promoter of site MAR1.

2.30 The first consideration here, is that the existing permission for 8 homes on the G56.1 site includes a link road between the site and the Junior School. As such, any footpath would sensibly be a continuation of this route. The attractiveness and likelihood of residents of site MAR1 actively using this route is a key consideration in determining whether a contribution is reasonable or necessary.

2.31 Firstly, MAR1 would have a relatively small scale of development at only 35 dwellings. Given the modest scale of the development proposed and other likely obligations required, the delivery of the proposed new works would impact upon the overall viability of the scheme.

- 2.32 It is also understood that the Infant School caters for ages 5-7. It is therefore considered that the MAR1 development would have only a small number of children of such an age attending the Infant School at any one time, and as such the cost of implementing the footpath improvements would be disproportionate with the scale of development.
- 2.33 Whilst it is expected that the route would be surfaced, it is considered unlikely that the authority would accept a lit route through open agricultural fields, which would have a significant urbanising impact in this location. Based on an unlit route, this would be unattractive for users during the winter months, particularly when it may be dark and the weather inclement.
- 2.34 Furthermore, the Council have not suggested that this route would be necessary for access to any other services or facilities in the settlement other than the Infant School. So, it is unlikely that many residents would use this route, other than perhaps for leisure walks around the area, but again only under certain conditions.
- 2.35 In addition to the suggested route not being directly related to the MAR1 site, or proportionate in terms of the proposed development, the landownership of the route could also be an inhibiting issue for the delivery of the works. It is considered likely that the landowners of G56.1 are the landowners of the surrounding agricultural land and therefore the footpath, in which case, it would be unreasonable to expect another developer to provide this facility on third party land.
- 2.36 Furthermore, the wording proposed by the Council could essentially deter one site from coming forward before the other, as the earliest site would have the full burden of delivering the footpath improvements. As such this uncertainty could delay development of both of the sites and impact delivery.
- 2.37 Silverley Properties Ltd's position is therefore that this modification should not be made to the policy wording, as this would not meet the tests under paragraph 57 of the NPPF. The reference to this footpath requirement should therefore be deleted in order for the policy to be sound and the unimpeded delivery of site MAR1 to be assured.
- 2.38 However, should the Inspector be presented with sufficient evidence by the Council as to a compelling need for the footpath, which cannot be reasonably met in any other way, then Silverley Properties Ltd would be willing to consider a reasonable and proportionate contribution to the provision of this. For example, amended wording such as **'a financial contribution towards improvements to the footpath between the old village and the airbase'**, could be used, assuming that this would emanate from the G56.1 site.
- 2.39 Where there is a proven need for the new footpath as specified and the Inspector is satisfied in planning terms that the evidence indicates that the MAR1 allocation could not proceed without it, such a contribution could be captured through a S106 obligation at the application stage. For the reasons given, we would expect that any funds received by the Council would be pooled with those from site G56.1, so that the County Council may then deliver the footpath at the appropriate time.

- 2.40 This is considered the fairest way of capturing contributions should they be deemed reasonable and necessary. The actual amounts for each site would be negotiated as part of the respective applications, with G56.1 carrying the greater proportionate burden, due to the larger scale of development.
- 2.41 Where financial contributions are made and the infrastructure is not delivered by the County Council, within the timescales set out in the S106 agreement(s) then normal clawback provisions should apply.
- 2.42 In summary, the allocation of site MAR1 and the main modifications proposed are strongly supported in principle with the exception of the late introduction of the new all-weather footpath infrastructure proposed. This infrastructure is unnecessary, difficult to deliver, potentially impactful in its own right and where taking the burden alone may cause viability issues to a site which is otherwise viable at normal levels of policy compliance.
- 2.43 Accordingly, we submit that the late additional requirement for new infrastructure is removed from the policy wording to ensure soundness.

**Appendix 1: Pre-Application Advice
Dated 19th June 2019**

ENVIRONMENT AND PLANNING

King's Court, Chapel Street
King's Lynn, Norfolk PE30 1EX

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



Silverley Properties Ltd
c/o Turley
Ella Murfet
8 Quay Court
Colliers Lane
Stow-Cum-Quy
Cambridge
CB25 9AU

Reference No: 19/00087/PREAPP
Application
Registered: 19 June 2019
Parish: Marham

Details: **Pre-application enquiry (Outline with consultations and meeting): Residential development of approximately 35 homes at Land To The Rear Mountain Ash The Street Marham King's Lynn**

PRE-APPLICATION ADVICE – LIKELY TO REFUSE

Further to your application for Pre-Application advice. I respond as follows:

APPLICATION FEE REQUIRED:

Please contact the Planning Technical Team for all fee enquiries.

PLANNING HISTORY

2/88/2506/O: Approved 13.09.89: Site for residential development (Subject to Section 52 agreement)

SITE CONSTRAINTS

Within an area classed as 'countryside'
Within Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment
Within 2000m of SSSI

CONSULTATION RESPONSES

Local Highway Authority (Norfolk CC):

I can confirm that the County Council would not wish to raise an objection to the principle of the proposed development. However, I would make the following comments with regards to the access as shown on drawing 1886-002 rev A and proposed layout.

1. Visibility splays with The Street should measure 2.4 x 59m (not 43m), unless a speed survey shows a lower requirement would be acceptable.
2. The footway across the frontage of the development site, the cemetery, Bilberson and Mountain Ash should be widened to 2.0m.
3. Unless it already meets this requirement, the carriageway across the site frontage should be widened to 6.0m.
4. Subject to providing acceptable access, plots facing The Street should be accessed from The Street, to avoid the need for rear parking and likelihood of on-street parking.
5. The parking requirements of dwellings should be met without reliance on use of garages.
6. Private drives can serve a maximum of 9 dwellings and must have adequate turning provision.

Historic Environment Services:

The proposed development site lies between the 12th century parish church of the Holy Trinity and Cistercian nunnery to the southwest and the cropmarks of a medieval moated site (perhaps a manorial centre) to the northwest. In addition, Prehistoric, Roman, Anglo-Saxon and medieval finds have been recovered from the surrounding fields including and Early Saxon brooch (perhaps indicating burials) to the east. Consequently there is potential that heritage assets with archaeological interest (buried archaeological

remains) will be present at the site and that their significance will be adversely affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework para. 199. We suggest that the following conditions are imposed:-

A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
and,

B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).
and,

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

In this case the programme of archaeological mitigatory work will commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction). A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service. We advise that the trial trenching is carried out at an early stage in the preparation of the reserved matters details so that the results can be fully considered in the design process. If you have any questions or would like to discuss our recommendations, please do not hesitate to contact me.

Green Space Officer:

With reference to proposed layout plans, I would like to raise concerns with the following aspects:

- * position of play/open space on sensitive boundary, adjacent cemetery;
- * proposed SUDs within open space/play area;
- * proposed parking adjacent to open space – potential conflict between users of open space and parking spaces (i.e. ball games next to parked cars).

I can see a large hedge between the development and cemetery, which presumably would be retained in its existing form. This would mitigate any disturbance to the cemetery, but it would still be necessary to carefully consider play selection, avoiding tall climbing equipment which would give a vantage point over the cemetery and that which would cause noise/disturbance to the users of the cemetery. It may be better still to relocate play to the boundary adjacent the school and associated playing field.

A development this size would be expected to provide 17m² per dwelling of 'suitably equipped' children's play space, in line with Council Policy DM16. The play area should be laid out as follows:

- * 1 x item of multi-play, offering multiple play activities suitable for under 8s.
- * play equipment to satisfy BSEN1176;
- * safety surfacing to satisfy BSEN1177, i.e. resin bound rubber mulch (preferable to grass matting with potential issues with shrinking/compacting and raising up to create trip hazards);
- * equipment with wood going into the ground is not appropriate (metal shoes, or another means of mounting must be used where timber is present);
- * at least 1 x bin (crescent style/with lid, i.e. no open top);
- * at least 1 x bench (with wear pad underneath);
- * 1.2m bow topped fencing to surround – with 1 x pedestrian gate and 1 x combined (partially lockable) pedestrian and maintenance gate – aforementioned pedestrian barriers in line with, as required;
- * no soft landscaping, other than grass, within the fenced area (i.e. no trees/shrubs which can conceal items & impair maintenance);
- * concrete/hardstanding wear pads covering the full width of both pedestrian and maintenance gates.

Drainage crates could be considered instead of an attenuation pond – avoiding open water on site.

Otherwise, it will be necessary to securely fence the open water against the adjacent play area, or other open areas. Drainage crates/utilities within Public Open Space are acceptable, provided that:

- * nominated body does not become responsible, at any stage, for maintenance of this equipment;
- * if repairs are required to utilities, the open space is reinstated as soon as is practicable (again at no cost to Nominated Body), with open space returned to previous condition;
- * utilities do not pass under equipped portion of open space.

Areas of landscaping around site should be clearly within the natural curtilage of associated properties, where this land is to be transferred to individual purchasers. Otherwise, land should be adopted by the Nominated Body (i.e. Borough/Parish Council or management company) with remaining open space.

Natural England:

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

Norfolk Constabulary ALO:

Having reviewed the plans provided I note the details of a well laid out site, of a cul-de-sac design, which doesn't have any alleyways, back to back garden design, is not permeable and has a primary vehicular access point. This layout is very encouraging as increased permeability is linked to increased crime. A no through route gives residents a feeling of ownership and encourages a feeling of community and discourages anyone intent on criminal behaviour as not only are they likely to be seen by residents and potentially challenged – but they have nowhere to go within the development.

Boundary Treatments: All rear fencing should be at a minimum height of 1.8m and of a high standard with a view to privacy, keeping children and animals in and intruders out. Access gates to rear gardens should be a minimum height of 1.8m and capable of being locked by key from both sides. Gates should be located on, or as near to the building line as possible.

SBD Award: Secured by Design is the official UK Police flagship initiative supporting the principles of 'designing out crime'. SBD aims to achieve a good overall standard of Security for buildings and the immediate environment. It attempts to deter criminal and anti-social behaviour within developments by introducing appropriate design features that enable natural surveillance and create a sense of ownership and responsibility for every part of the development.

These features include secure vehicle parking, adequate lighting of common areas, control of access to individual and common areas, defensible space and a landscaping and lighting scheme which when combined, enhances natural surveillance and safety.

The website can be found on:

<https://imsva91->

[ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.securedbydesign.com&umid=4054B5FD-8C23-8605-AEEE-24035D2E98C2&auth=76a36a0301cf7179612a4414203a61368905a968-](https://www.trendmicro.com:443/wis/clicktime/v1/query?url=www.securedbydesign.com&umid=4054B5FD-8C23-8605-AEEE-24035D2E98C2&auth=76a36a0301cf7179612a4414203a61368905a968-246998887b4bc5c44c6ecd0af0361e891767d1dc)

[246998887b4bc5c44c6ecd0af0361e891767d1dc](https://www.trendmicro.com:443/wis/clicktime/v1/query?url=www.securedbydesign.com&umid=4054B5FD-8C23-8605-AEEE-24035D2E98C2&auth=76a36a0301cf7179612a4414203a61368905a968-246998887b4bc5c44c6ecd0af0361e891767d1dc) where further details about the award and relevant application forms can be found.

If the applicant wishes to adopt the specifications detailed within the Homes 2019 guidance, they could achieve an SBD award. Please do not hesitate to contact me if the developer wishes to discuss SBD further.

Housing Strategy & Enabling Officer:

I have looked at the above application and can confirm that the site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy.

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Marham. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council. In this instance 7 units would be required, 5 for affordable rent and 2 for shared ownership

It is important for the applicant to note that we operate a dynamic approach to viability whereby the affordable housing thresholds and percentages are reviewed on an annual basis and informed by the following factors;

Market Land Values
House Prices
Level of contribution sought overall
Index of Build Costs

However any S.106 agreement signed before the review will provide the prevailing affordable housing percentage at the time of determining the application.

The affordable housing mix i.e., unit types, layout etc. will need to be addressed in the formal application. Whilst at this stage I appreciate that it is difficult to agree the type of affordable housing unit, ie 2bed, 3 bed etc, I would recommend that, in order to best meet an identified housing need, mainly smaller units i.e. 2bed 4 person units are provided. Please note however that housing need is not static and therefore the affordable housing mix may change as time progresses particularly if there is a significant delay in submitting the formal application.

The affordable housing should be fully be integrated with the general market housing in order to achieve mixed and sustainable communities in which the accommodation is tenure blind. On a site of 35 dwellings, the affordable dwellings should be located in clusters of no more than 4. An objection from us is likely if this is not met.

The attached document contains details of the space standards used by the Borough Council to promote deliverability and to meet need for affordable housing. All S106 Affordable Housing units should meet these standards, and any that do not are likely to result in an objection from us.

The affordable units must be transferred to a Registered Provider of Affordable Housing agreed by the Council at a price that requires no form of public subsidy.

A S.106 Agreement will be required to secure the affordable housing contribution.

I would also recommend that the applicant contacts me at their earliest opportunity to discuss the affordable housing in more detail prior to the submission of a formal application.

Lead Local Flood Authority (Norfolk CC):

We recommend that any development considers local flood risk, proposes sustainable drainage and complies with the National Planning Policy Framework (NPPF) to avoid the increase in the risk of flooding. Any planning application should take account of national standards and guidance and at least one feasible proposal for the disposal of surface water drainage should be demonstrated and supported by the inclusion of appropriate information.

Further guidance on sustainable drainage systems can be found on our website
<https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/information-for-developers>

Pre-application advice is currently offered on a chargeable basis at the rates outlined in the table below.

Site specific risk assessment £87 (inc VAT)
10-99 houses OR low risk OR 1 ha £261 (inc VAT)
100 – 250 houses OR medium flood risk OR 2ha £522 (inc VAT)

250 + houses OR significant flood risk OR 3ha + £1044 (inc VAT)
Masterplanning From £1044 (inc VAT)

To apply for pre-application advice, please complete the attached application form (also available on our website) and return it to us by email/post. If you are unsure of the risk banding, then <https://flood-warning-information.service.gov.uk/long-term-flood-risk/> provides a useful overview. Our decision on risk banding is final.

Please note if there are any works proposed as part of this application that are likely to affect flows in an ordinary watercourse, then the applicant is likely to need the approval of the County Council. In line with good practice, the Council seeks to avoid culverting, and its consent for such works will not normally be granted except as a means of access. It should be noted that this approval is separate from planning.

Environmental Health & Housing – Community Safety & Neighbourhood Nuisance:

No response received at the time of writing

Environmental Health & Housing – Environmental Quality:

NPPF states that the planning system should prevent both new and existing development from contributing to or being adversely affected by unacceptable levels of land or air pollution.

Contaminated Land

The applicant has submitted a pre-application note which states that 'the Site is not known to have any potential for significant contamination, with historic maps indicating that the Site has long been an area of open space, presumably used for agricultural purposes. As such residential development is a suitable use.' As this is for a residential use and the proposal is for over 10 houses the applicant should submit a desk study and preliminary risk assessment for the potential for land contamination. More details are available on our webpage <https://www.west-norfolk.gov.uk/planning-on-contaminated-land>.

Groundwater

We have assessed this application with regard to potential impacts on human health as required by National Planning Policy Framework paragraph 170.

Groundwater protection and potential pollution of controlled waters is the responsibility of the Environment Agency and their advice should be sought on this.

Air Quality

The borough council's air quality action plan states that air quality impacts will be considered. The 35 homes could generate up to 280 annual average daily traffic movements. This is not a significant change in an area where background pollution is low, based on criteria in the EPUK/IAQM Planning for air quality guidance. Therefore we have no objection in principle regarding the impact on air quality from additional traffic movements in the operational phase.

To reduce the potential impact on air quality and in the interest of better air quality management we recommend that good practice measures set out under 'Operational Phase' in chapter 5 of the EPUK/IAQM Guidance be included in design.

Norfolk Fire Services: No response received

Anglian Water Services: No response received – operate separate pre-application advice service.

DEVELOPER CONTRIBUTIONS

Community Infrastructure Levy liable
Habitat Mitigation Fee applies (£50 per dwelling)

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

PLANNING POLICIES

It should be noted that policies, constraints etc. change from time to time and may affect the advice given. The weight that can be given to pre-application advice will therefore decline over time.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy
CS02 - The Settlement Hierarchy
CS06 - Development in Rural Areas
CS09 - Housing Distribution
CS11 - Transport
CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES

DM1 – Presumption in Favour of Sustainable Development
DM2 – Development Boundaries
DM15 – Environment, Design and Amenity
DM17 - Parking Provision in New Development

OFFICER ASSESSMENT

These comments are made subsequent to your meeting on 24th July 2019 with our officers Messrs Wilkinson and Fradley plus Miss Evans.

As per your request, this response has been delayed to receive as many consultation responses as possible in order to obtain a comprehensive view.

The Local Plan currently comprises the Core Strategy (CS) (2011) and the Site Allocations and Development Management Policies Plan (SADMP) (2016). The most recent Annual Monitoring Report (AMR) illustrates that the Borough Council is able to show a land supply in excess of the required amount (8+ years). The Council is currently in the process of reviewing its Local Plan (both CS & SADMP). This will look beyond the current plan period (2026) for a further 10 years up to 2036.

This proposal is for a relatively substantial residential development comprising 35 dwellings. The site is located outside of the adopted Local Plan 2016 development boundary (as illustrated by G56 Inset Marham).

However, it is acknowledged that the site has been put forward as part of the recent draft local plan review consultation for consideration for future development in Marham.

The site is based within a key rural service centre which is identified as being capable of accommodating a higher level of growth than previously. The proposed development lies adjacent to the development boundary and is situated to the south-west of the allocation that has been made in our current plan (Policy G56.1). This site has frontage onto The Street, which is where development growth is favoured, being located close to the local school and other amenities.

The Local Plan Review is currently anticipated to be published for further consultation in the first to second quarters of 2020.

As things stand should a formal application of this nature be pursued, it would have to be determined in accordance with the current adopted planning policy and accord with Section 54a of the Town & Country Planning Act 1990 as amended by Section 38(6) of the Planning and Compensation Act 2004. Given that the site lies outside the defined development area for the village, it would not receive Officer support.

Certain design issues were discussed at the meeting, but this response focusses upon the fundamental principle of developing this site for residential properties. Most of the technical consultees have responded and raise certain issues to be addressed in your future deliberations.

OFFICER RECOMMENDATIONS

LTR INFORMAL - Likely to refuse


Executive Director, Environment and Planning
On behalf of the Council
19 August 2019

DECLARATION:

The advice given above is offered informally at officer level without prejudice to any future decisions that the Council may make.

The case officer who dealt with this application was Mr K Wilkinson, telephone number 01553 616794.

Notes:

1. You should be aware that any pre-application advice provided by the Local Planning Authority is made at officer level only, and does not constitute a formal decision of the Council. Any views or opinions expressed, are given without prejudice to the consideration by the Council of any formal planning application, which will be subject to wider consultation and publicity. Although the case officer may indicate the likely outcome of a formal planning application from their professional point of view, no guarantees can or will be given about the decision that will be made on any such application.
2. It should be noted that policies, constraints etc. change from time to time and may affect the advice given. The weight that can be given to pre-application advice will therefore decline over time
3. The provisions of The Freedom of Information Act bind the Council, as a public authority, and therefore it should be presumed that information supplied to the Council is likely to be disclosable under the above Act. If you want information to remain confidential, you should state clearly why. Information sent to the Council "in confidence" may still be disclosable under the above Act. Before sending such information you are advised to take legal advice if there are fears that disclosure would prejudice you in some commercial way.
4. The fee provided is based on the information submitted with this pre-application enquiry, at the time of determination. The Borough Planning Authority will need to take into account any changes in the proposed development when the formal planning application is submitted, as well as any possible changes in the fee charging structure.
5. Please note that for a pre-application (no consultation) enquiry there will be no comments included from relevant consultees, external and internal, which could be important in any recommendation should a formal application be submitted.

Appendix 2: Transport Note
Prepared by PSP Consulting

**Borough Council of King's Lynn and West Norfolk Local Plan Examination
Matter 5 – Settlements and Sites**

**Response to the Council's Schedule of Suggested Main Modifications
October 2022**

PSP TRANSPORT NOTE DECEMBER 2022

Introduction

1. PSP Consulting (PSP) have been instructed by Silverley Properties Ltd (Silverley) to prepare this Technical Note in response to the October 2022 Schedule of Suggested Main Modifications post-submission examination document F21. Document F21 is an updated schedule of Suggested Main Modifications, prepared by the Borough Council of King's Lynn and West Norfolk (the Council) in response to the initial questions raised by the Inspector.
2. The Council's Local Plan Examination website advises that the October 2022 updated Suggested Main Modifications are for consideration at the forthcoming Examination Hearing and that there will be an opportunity for interested parties to respond as part of any written statements on the Inspectors Main Issues and Questions (MIQs) to be issued in advance of the Hearing.
3. Planning Consultants, Turley, have been instructed by Silverley to prepare a Hearing Statement with respect to Matter 5 and to object to the additional wording included in the updated Suggested Main Modifications. This PSP Technical Note thus forms an Appendix to the Turley Matter 5 Hearing Statement submitted on behalf of Silverley.

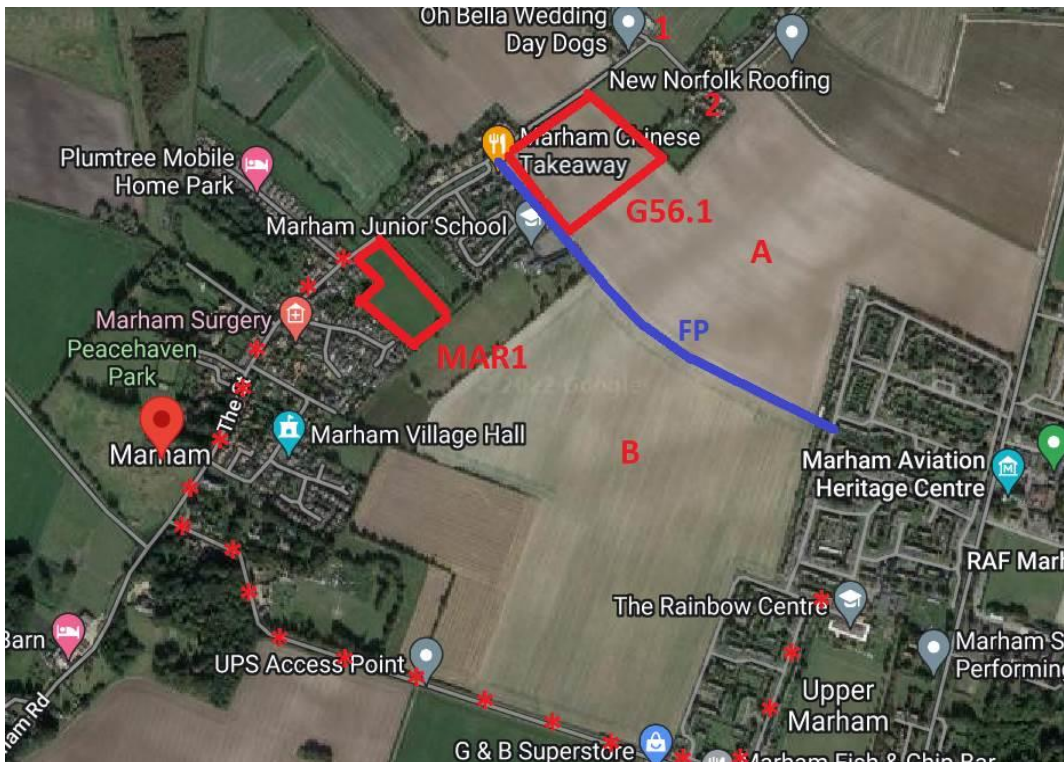
Updated Suggested Main Modifications – Silverley Position

4. Page 52 of the October 2022 updated Suggested Main Modifications, corrects the Policy MAR1 site title to 'Land south of The Street' and includes the text in red below:

Land of around 1.6 hectares to the south of The Street, as shown on the Policies Map, is allocated for residential development of at least 35 dwellings. Development will be subject to compliance with the following:

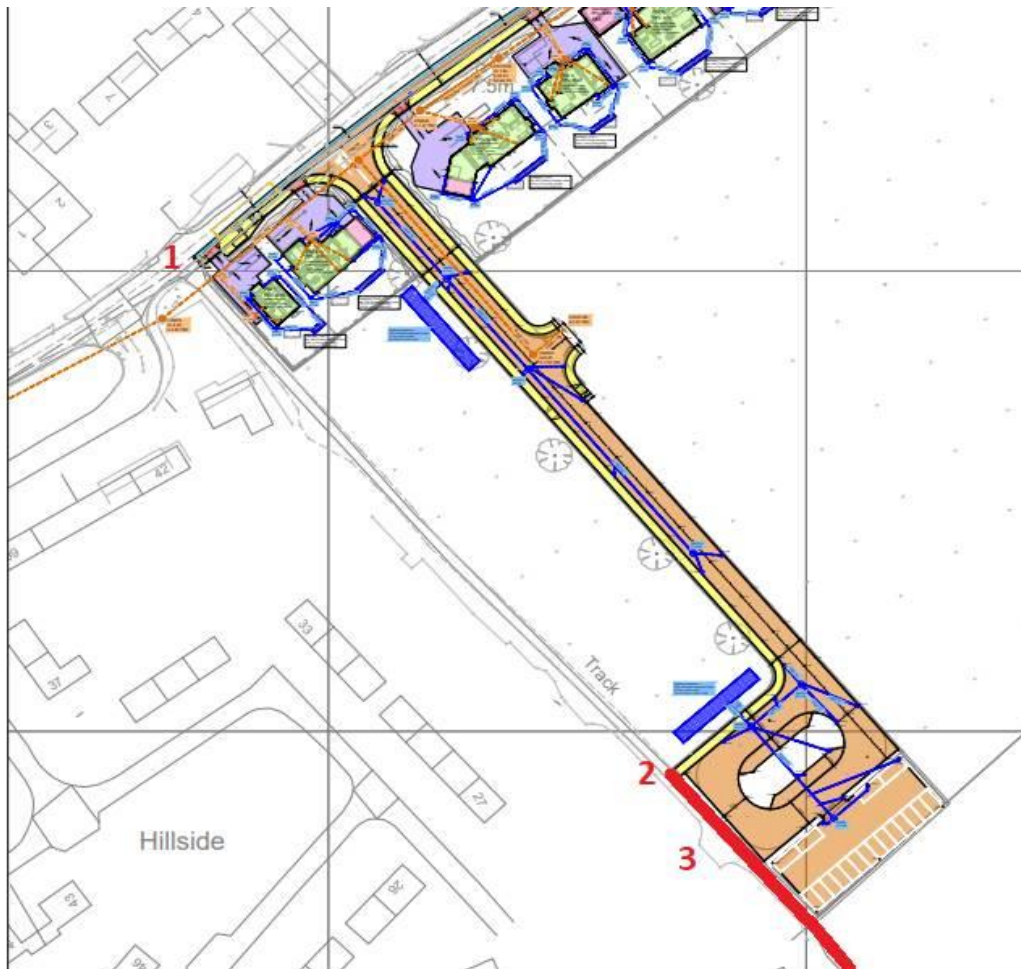
1. Subject to safe access, **including provision of a continuous, all weather, off carriageway footpath/footway between the site and Cherry Tree Academy infant school at Cedar Road**, being achieved to the satisfaction of Norfolk County Council as the local highway authority;
2. Submission of details showing sustainable drainage measures will integrate with the design of the development and the drainage system will contribute to the amenity and biodiversity of the development. A suitable plan for future management and maintenance of the SUDS should be included with submission;
3. Development will be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework para 199;
4. Provision of affordable housing in line with the current standards.

5. The Reason for the updated Suggested Main Modification is given as: *Correction to title and infrastructure requirements*. There is no explanation or justification as to why the infrastructure requirements need to be 'corrected' and no scheme for the footpath is presented in evidence.
6. In the absence of either the Highway Authority or the Planning Authority presenting a scheme for 'the footpath between the old village and the airbase', we have made the following assumptions.
7. Draft Policy G56.1 'Marham - Land at The Street' seeks '*improvements to the footpath between the old village and the airbase*'. Sensibly this would be tarmac surfacing of the track between the village and the airbase shown in blue (FP) on the Google Maps extract below (approximately 750m in length).
8. We have checked the Norfolk County Council Public Right of Way Map and this particular track is not a public right of way. The track is likely to be a well-used, permissive route between the airbase and the village, mostly in the daylight and under reasonable weather conditions.
9. We have assumed that the landowner of G56.1 owns all the land (Fields A and B on the sketch below) including the track. It would be sensible for the track to be made up under the Section 38 highway works for site G56.1.



10. An initial phase of development of site G56.1, for 8 dwellings (18/01896) fronting on to The Street, was granted planning permission on the 13th May 2020. Planning Condition 18 requires a link road between The Street and the Cherry Tree Academy Junior School.

Consultants GHullard prepared drawing 252/2020/17 P1 dated April 2021 (extract below) to show details of the proposed road between The Street and the Junior School, including a drop-off zone and car parking.



11. On the above extract from the GHullard drawing, the new Section 38 footway will finish at point 2. We have assumed that, once this new estate road has been built, there would be no need to upgrade the track from point 1 to point 2. There will be street lighting on the new estate road and there will be general activity and overlooking, so pedestrians for the Junior School are unlikely to use the track.
12. Point 3 is an existing access to the Junior School.
13. With the above Section 38 highway works in place, it is reasonable to assume that any improvements to the footpath between the old village and the airbase would sensibly be from point 2 to the airbase, which is a distance of approximately 570m. This would complete the footway shown in blue (FP) on the Google Maps sketch above.
- ~~14.~~ The track is not on land under the control of Silverley and it would be unreasonable to require Silverley to actually provide the footway on third party land.

In Conclusion

- 15 There has been no landowner/Silverley consultation and no public consultation on the October 2022 updated Suggested Main Modifications. The Council have given no evidence to justify this late modification and no explanation of why infrastructure requirements need to be 'corrected'. Silverley object to this modification, which is unnecessary, unjustified and the wording shown in red above should be removed.
- 16 If, during the course of the Hearing Sessions, the Inspector is presented with evidence as to the need for 'a continuous, all weather, off carriageway footpath/footway between the site and Cherry Tree Academy infant school at Cedar Road', then Silverley would be prepared to accept wording similar to the wording attached to draft Policy S56.1, namely 'a financial contribution towards improvements to the footpath between the old village and the airbase' (ie 570m of footway improvements).
- 17 Turley and PSP will be attending the January 2023 Hearing Session on Matter 5 to assist the Inspector with any discussion on the updated Suggested Main Modifications and we would be grateful if the Inspector could take the above into account.

Patrick Gurner BSc (Hons) CEng MICE
Director
PSP Consulting
December 2022

Appendix 3: Brown & Co Letter

Our ref: EJP/DD/

Norwich Office

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15th December 2022

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Dear James

Land at the Street, Marham

I write in respect of the above site where you have a promotion agreement ongoing with a landowner. The site totals approximately four acres.

From analysis you have completed you believe a density of at least 35 units could be achieved which in our view, given the central village location, road links and proximity to popular local schools will sell well in the market. There is a well-documented local demand for good quality housing in the Marham area which has access to key services but is within the catchment of employment centres at Downham Market, Swaffham and King's Lynn. Closer by RAF Marham is a large employer for the immediate area providing key work across this area of West Norfolk and the wider Borough meaning demand will be good.

The site is currently an agricultural field which separates the Hillside and Marham Cemetery from Villebois Road/Walnut Walk. As part of previous Local Plan submissions and a pre-application an example site layout has been submitted, which we have had a chance to review. This demonstrates how the site could be developed through the provision of a mix of unit sizes and the necessary car parking allowance for each unit, with areas of landscaping and open space. The mix of unit numbers will be important to allow a variety of buyer type benefit from the scheme (i.e. families entering the village, those looking for retirement and first-time buyers). Evidence of recently built-out schemes in other villages (Narborough and beyond) have demonstrated this to be an important part of a site's saleability which will be the case for the scheme being developed at Marham (and as you have designed thus far).

In summary, there are a number of established house builders in the area who are looking for attractive opportunities of this nature and I would suggest a popular marketing campaign would follow once planning consent has been achieved.

Brown & Co would be delighted to be involved in the sale of this site and look forward to working with you on this project going forward.

Yours sincerely



Edward Plumb MRICS FAAV
Partner - Land Agency
For and on behalf of Brown & Co
Property and Business Consultants LLP

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