

J GORE

27th September 2021
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savills

Kings Lynn and West Norfolk Borough Council
Local Development Framework
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Dear Sir or Madam,

Pre-Submission Draft Local Plan Part 2 Consultation

Reference: Land off School Road, Tilney St Lawrence (previously referenced TSL2)

Savills UK Ltd is instructed by our client, Mr John Gore, to make representations in relation to the Pre-Submission Draft Local Plan Part 2. These representations relate to land in our client's ownership which is located off School Road, Tilney St Lawrence, Kings Lynn.

Planning Context

The site was identified within the Draft Local Plan in 2019 as allocation 'Policy TSL2' for residential development of at least 5 dwellings (see below).

Policy TSL2 – Tilney St Lawrence Land to the west of School Road

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Land amounting to 0.25 hectares, as shown on the Policies Map, is allocated for residential development of at least 5 dwellings.

Development will be subject to compliance with all of the following:

1. Development is subject to demonstration of safe access and visibility to the satisfaction of Norfolk County Council as the Local Highway Authority and the provision of the appropriate footway links;
2. Submission of a Flood Risk Assessment (FRA) that should address all forms of flood risk (coastal inundation, fluvial, pluvial and groundwater). The FRA should explain how surface water drainage will be managed. The FRA must demonstrate how the development would provide wider sustainability benefits to the community that outweigh the risk associated with flooding and that the development would be safe for its lifetime without increasing flood risk elsewhere and, where possible, would reduce flood risk overall. The FRA should also suggest appropriate mitigation (flood resiliency measures);
3. Submission of details showing how sustainable drainage measures will be incorporated into the development to avoid discharge to the public surface water network; and also to the amenity and biodiversity of the development. A suitable plan for the future management and maintenance of the SUDS should be included with the submission;
4. Provision of affordable housing in line with current standards.

The current Draft Local Plan (2021) no longer includes the site on the basis that it is not needed to fulfil the housing requirements for Key Rural Service Centres.

Status of settlements

Terrington St John with St Johns Highway/Tilney St Lawrence are together identified as a 'Key Rural Service Centre' whose role is to help to sustain the wider rural community. They provide a range of services that can meet basic day-to-day needs and a level of public transport that can enable access to and from the settlement. The Borough Council will seek to maintain and enhance facilities to support this function.

The National Planning Policy Framework (NPPF), which was updated in July 2021, establishes that the purpose of the planning system is to contribute to the achievement of sustainable development. The three dimensions to sustainable development, as set out in the NPPF, require the planning system to perform an economic, social and environmental role. For plan making, Paragraph 11 of the NPPF, requires that Local Planning Authorities positively seek opportunities to meet the development needs of their area.

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Paragraph 79 of the NPPF outlines that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It requires planning policies to identify opportunities for villages to grow and thrive, especially where this will support local services.

Residential development in such settlements can make a significant contribution to the maintenance and continuing provision of local services and facilities for community use.

Paragraph 69 of the NPPF notes that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.

The allocation of small sites such as TSL2 presents an opportunity to secure growth in a managed way. Whilst the allocation at G94.1 – Land east of School Road, Terrington St John for 35 dwellings is noted, the provision of a range of sites of different scales offers choice to the market as supported by paragraphs 69 and 79 of the NPPF.

Representations

1. The removal of site TSL2 is unsound.

***Paragraph 12.20 - Terrington St John with St Johns Highway/Tilney St Lawrence
G94.1 – Land east of School Road, Terrington St John
LP04 – Development Boundaries***

It is considered that the Draft Local Plan does not meet the tests of soundness as set out in Paragraph 35 of the NPPF. Specifically:

Justified: There is insufficient explanation within the Plan to explain why small sites such as TSL2 have been removed, particularly where they can make a valuable contribution to the sustainability of local communities.

It is not consistent with national policy: As set out above, the approach of removing some smaller allocations from the Plan, such as TSL2 is not in accordance with the NPPF, in particular paragraphs 69 and 79.

Additional information

Site TSL 2 is considered to represent a deliverable option for housing in the Rural Service Centres.

The National Planning Policy Framework (NPPF) 2021 at paragraph 68 requires planning authorities examine the suitability, availability and economic viability of sites when undertaking housing and economic land availability assessment. Further detail about how these assessments should be undertaken is provided within National Planning Policy Guidance (NPPG).

Therefore, an assessment of the site against the tests within the NPPG, is provided below, confirming that it is suitable, available and achievable for development purposes.

Suitable: The site immediately adjoins the built up area of Tilney St Lawrence, a settlement within the Terrington St John with St Johns Highway/Tilney St Lawrence Rural Service Centre (RSC). RSC's are identified as locations for growth in the emerging Local Plan.

An outline planning application was made in April 2016 for 4 No. residential units (Ref. 16/00640/O). This application was refused being contrary to adopted planning policy, constituting development outside the settlement boundary in an area defined as countryside, and failing to pass the 'exception test' accounting for the site's location in Flood Zone 3. All other material planning considerations including amenity and highways were considered acceptable.

In relation to the location in the countryside, the Local Plan review is an opportunity to reconsider settlement boundaries – sites which are beyond existing limits but are well related and suitable for development should be

assessed through these reviews and appropriate changes can be made. The previous draft of the Local Plan proposed to include the site as an allocation, which implies an appropriate relationship with the existing settlement.

The issue of flood risk is a material consideration and one which allocation could overcome. The only remaining allocation in the RSC, G94.1 – Land east of School Road, is within the same area of flood risk. In that case, the draft policy includes a requirement for a Submission of a Flood Risk Assessment (FRA) and drainage strategy. The same conditions were proposed when TSL2 was proposed as an allocation and therefore, the policy is able to address any concerns relating to flood risk on the site.

The omitted site is therefore considered to represent a suitable location for growth.

Available: The land is available for development and within a single ownership.

Achievable: Other than the site's location in the flood zone, as set out above, there are no known technical constraints. This was confirmed through the planning application in 2016, which whilst refused, raised no additional technical concerns. It is therefore considered that development would be economically viable. The scale of the site is such that it presents an option for growth in the short or medium term.

Modification

Site TSL2 is a deliverable option for housing in a Rural Service Centre and should be included within the Plan as an allocation for 5 dwellings.

Alternatively, it is considered that the settlement boundary for Terrington St John with St Johns Highway/ Tilney St Lawrence should be extended to include the land off School Road, Tilney St Lawrence.

2. Policy LP31 is considered a positive approach to growth on the edge of settlements although lacks certainty of delivery

The policy approach of LP31 is welcomed and is considered to be in accordance with national planning policy in paragraphs 69 and 79 of the NPPF.

The proposed criteria in the policy are welcomed. It is important that these criteria are viewed within the context of Policy LP03 in relation to the presumption in favour of sustainable development and applied in a positive way rather than as a means of limiting opportunities for growth. Smaller sites are vital for the long term sustainability of rural settlements and should be encouraged where they are able to meet the criteria.

In addition, LP31 should be clear exactly which tiers of the settlement hierarchy it applies to ensure that it is appropriately applied in decision making. If it applies to all tiers of the hierarchy, it would be helpful to specify this within the policy.

Modification

The wording of Policy 31 should be reconsidered to ensure it specific enough to be easily applies to planning applications in a positive way. It should also clarify which tiers of the settlement hierarchy it applies to.

Conclusion

Land off School Lane, Tilney St Lawrence represents a good location for growth, adjoining a Rural Service Centre. Development in these settlements is important to creating vibrant rural communities, and the inclusion of smaller sites as specific locations for growth is a proactive way to secure this. Providing sites of differing sizes in the RSC's is a way of ensuring choice for the housing market.

Please do not hesitate to contact me should you require any further information.



Yours faithfully,

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Associate Director, Savills UK Ltd