

**Borough Council of King's Lynn & West Norfolk:
Terrington St John Neighbourhood Plan – Decision on
examiner's recommendations**

July 2021

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



**Borough Council Decision on the Examiner's recommendation for the Tilney All Saints
Neighbourhood Plan**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Terrington St John Neighbourhood Area
Parish Council	Terrington St John Parish Council
Submission	30 th March 2021- 18 th May 2021
Examination	May/June 2021
Inspector Report Received	08/06/2021

1. Introduction

- 1.1 The Town and Country Planning Act 1990 (as amended), states that the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and to take the plans through a process of examination and referendum.
- 1.2 The Localism Act 2011 (Part 6 chapter 3) details the Local Planning Authority 's responsibilities under Neighbourhood planning.
- 1.3 This Decision Statement confirms that the modifications proposed by the examiner's report on the whole have been accepted. Accordingly, the draft Terrington St John Neighbourhood Plan has been amended taking into account these modifications, and the Borough Council has reached the decision that the Terrington St John Neighbourhood Development Plan may proceed to referendum.

2. Background

- 2.1 The Neighbourhood Area of Terrington St John was designated on 16/02/2017. The Neighbourhood Area corresponds with Parish boundaries for Terrington St John Parish Council. The Terrington St John Neighbourhood Plan has been prepared by Terrington St John Parish Council. Work on the production of the plan has undertaken by members of the Parish Council and the local community, since 2017.
- 2.2 The Plan was submitted to the Borough Council of King's Lynn and West Norfolk and the consultation under Regulation 16 took place between 30th March to 18th May 2021. As part of this the plan it was publicised for an seven-week period due to Covid-19 to allow further extension for representation invited.

2.3 In April 2021 Janet Cheesley was appointed by the Borough Council with consent of the Parish Council, to undertake the examination of the Terrington St John Neighbourhood Plan. The examination took place over May/June 2021. This culminated in the Examiner's Report being issued on 08/06/2021.

2.4 The Examiner's Report concludes that subject to making the modifications recommended by the examiner, the plan meets the basic conditions as set out in legislation and should proceed to a Neighbourhood Planning Referendum.

2.5 Having carefully considered each of the recommendations made within the Examiner's Report and the reasons for them, the Borough Council and Terrington St John Parish Council (in accordance with the 1990 Act Schedule 48 paragraph 12) has decided to make most of the modifications to the draft plan referred to in Section 3 below to ensure that the draft plan meets the basic conditions set out in legislation.

2.6 As set out in section 3, it has been decided by the Borough Council and Parish Council to split up the modifications made within the examiner's report. This has been separated into appropriate columns. As stated by the examiner in the final examination report (2020) and left apparent in the table: Areas that need modification are expressed in column 2.

3. Recommendations by the Examiner

Table 1: Specific Modification for the Neighbourhood Plan (NP) to be compliant with the basic conditions

Section	Specific Modification and minor editing matters for the NP to be compliant with the basic conditions as stated in the final Terrington St John NP Examination Report June 2021	Who will make these changes? LPA or QB	Do you agree with the modification	What needs to be done to meet the specific modification?	Amendments and new changes made to the proposed Terrington St John neighbourhood plan.
	<p>Minor edit:</p> <p>Paragraphs 3.2 and 3.3 refer to the allocation of a site in the SADMP for 40 dwellings on the north side of St John’s Road in Tilney St Lawrence. This site is outside the neighbourhood plan area. Thus, paragraph 3.3 is not correct in stating that the neighbourhood plan can influence the type and form of development on that site. Therefore, paragraph 3.3 should be amended accordingly.</p>	QB	Yes	<p>In paragraph 3.2 it is made clear that the Plan cannot influence the development of the site in Tilney Lawrence</p> <p>Paragraph 3.3 has been deleted</p>	<p>3.2 The CS includes Terrington St John along with St John’s Highway and Tilney St Lawrence as a Joint Key Rural Service Centre. The strategy for Local Service Centres is to enable limited growth of an appropriate scale and nature to secure the sustainability of the settlements. The SADMP allocated two sites for residential development which will add approximately 75 new homes to the village. The two sites are:</p> <p>(i) A site east of School Road which is allocated for 35 dwellings for which full planning permission has now been granted (Ref 15/00438/OM and 17/02335/RM) and</p> <p>(ii) A site on the north side of St John’s Road in Tilney St Lawrence which is allocated for 40 dwellings and is outside the neighbourhood plan area. The location of the two allocations is shown on Map 2.</p>

					<p>3.3. The Neighbourhood Plan cannot change these allocations, but it can influence the type and form of development on the second site.</p> <p>Now 3.3 In addition to these two allocations planning permission was recently granted for a development of 46 dwellings on the northern side of the village to the east of Church Road and south of the grade separated junction of with the A47 which provides access to the village. (refs 15/01499/O and 18/02176/RMM). This application was contrary to policy and was granted at a time when the Borough Council was unable to demonstrate a 5-year supply of housing land.</p>
Policy 1: Extension to the Village Development Boundary	<p>Recommendation: to meet the Basic Conditions:</p> <p>1) the title to Policy 1 to read ‘Village Development Boundary’.</p> <p>2) the title to Map 4 to read ‘Village Development Boundary’..</p> <p>3) the quality of Map 4 be improved to clearly identify the precise limits of the Village Development Boundary extensions.</p> <p>Minor edit:</p> <ul style="list-style-type: none"> The Legend for Map 4 indicates that the Parish Boundary is a broken pink line, but it is shown as a solid pink line on Map 4. 	QB/LPA	Yes	<p>Changes made as recommended.</p> <p>Map 3 corrected as recommended</p>	<ol style="list-style-type: none"> Policy 1: Village Development Boundary Extensions to Village Development Boundary Map 4 Proposed extensions to village development boundary Village Development Boundary Map 4 quality has been improved including extensions limits, legend key Map 3 legend naming been changed from Flood Zone 2 & Flood Zone 3a to Call for sites 2016 and call for sites 2019

	<ul style="list-style-type: none"> Map 3 has a Legend referring to flood zones, whereas it should be referring to the annotations with regard to sites submitted for potential development. The Parish Council, in response to the Regulation 16 representations has stated that the red edged sites should be '2016 call for sites' and the blue edged sites should be '2019 call for sites'. 				
Policy 2: Housing Mix	<p>Recommendation: to meet the Basic Conditions, I recommend modification to the last sentence in Policy 2 to read as follows:</p> <p>Larger dwellings may be acceptable where they meet an identified need and proposals for custom-built houses will be supported.</p>	QB	Yes	Modification made as recommended	<p>Policy 2: Housing Mix</p> <p>New housing developments will be required to reflect the identified local need and preference for 1,2 and 3 bedroom houses and the particular need for homes suitable for first time buyers and affordable rented accommodation, or the housing mix required in the latest up to date published information on housing need. Development proposals which are designed to meet the needs of the elderly or people with disabilities will be supported. Larger dwellings may be acceptable where appropriate and proposals for custom-built houses will be supported. Larger dwellings may be acceptable where they meet an identified need and proposals for custom-built houses will be supported.</p>
Policy 3: Exception Sites for Affordable Housing	<p>Recommendation: to meet the Basic Conditions, I recommend modification to the first paragraph in Policy 3 to read as follows:</p> <p>Small-scale development of up to 15 dwellings to provide affordable social rented</p>	QB	Yes	<p>Modification made as recommended</p> <p>Minor edit completed to reflect wording from Policy 1 into criteria a</p>	<p>Policy 3: Exception Sites for Affordable Housing</p> <p>Small-scale development of up to 15 dwellings to provide affordable social rented or shared-ownership housing, to be retained as such in perpetuity, will be</p>

or shared-ownership housing, to be retained as such in perpetuity, will be permitted on sites where development would not otherwise be permitted. Where it can be demonstrated to be necessary to deliver the development up to 25% of the dwellings, rounded down to the nearest dwelling, may be market housing. The development will be required to meet all the following criteria:

a) The site is adjacent to the Village Development Boundary;

b) The need for the development has been clearly demonstrated by a local assessment of housing need;

c) The development would be consistent with the form and character of the village in terms of both location and design

d) The development would not be prominent in views of the village across open countryside;

e) The development would not cause unacceptable harm to the living conditions of neighbouring residents.

Minor edit:

Criterion a) refers to the 'settlement boundary'. As Policy 1 refers to the 'Village

permitted on sites where development would not otherwise be permitted. Where it can be demonstrated to be necessary to deliver the development up to 25% of the dwellings, rounded down to the nearest dwelling, may be market housing. The development will be required to meet all the following criteria:

a) The site is adjacent to the ~~settlement boundary~~ **village development boundary;**

b) The need for the development has been clearly demonstrated by a local assessment of housing need;

c) The development would be consistent with the form and character of the village in terms of both location and design

d) ~~The development would not be intrusive in the countryside;~~ **The development would not be prominent in views of the village across open countryside;**

e) ~~The development would not be harmful to the living conditions of neighbouring residents;~~ **The development would not cause unacceptable harm to the living conditions of neighbouring residents.**

To ensure that priority in the allocation of these dwellings will be given to people who can demonstrate a local connection, planning permissions for rural exception sites will be subject to a planning obligation that will require that dwellings are allocated in accordance with the following priorities:

	Development Boundary’, I suggest criterion a) is amended accordingly.				<ul style="list-style-type: none"> 1) Existing residents of Terrington St John who have lived in the village for more than 12 months; 2) Past residents of Terrington St John who have lived in the village for a minimum period of 5 years and who moved away within the last 3 years because no suitable accommodation was available; 3) People who need to live in Terrington St John because of their permanent employment or offer of permanent employment; 4) People who are not resident in Terrington St John who need to live near family members resident in the village; 5) Existing residents of the neighbouring villages of Tilney St Lawrence and St Johns Fen End who have lived in those villages for more than 12 months; 6) Existing residents of the villages of Terrington St John, Tilney St Lawrence and St John’s Fen End who have lived in those villages for less than 12 months; 7) Existing residents of the Borough of King’s Lynn and West Norfolk who have lived in the Borough for a period of 5 years or more.
Policy 4: Design	<p>Recommendation: to meet the Basic Conditions, I recommend modification to the last sentence in Policy 4 to read as follows:</p> <p>The materials to be used in any new building, redevelopment or extension to a dwelling in the area should be carefully selected to blend</p>	QB	Yes	<p>Modification made as recommended</p> <p>“antique style” has been replaced by “pantile”</p>	<p>Policy 4 – Design</p> <p>Developments that would provide new dwellings or the redevelopment or extension of existing dwellings will normally not exceed two storeys in height unless there is a clear justification in terms of the context of the</p>

	<p>in with adjacent properties and area where appropriate, to maintain the character of the village.</p> <p>Minor edit:</p> <ul style="list-style-type: none"> • BCKLWN has questioned the definition of an ‘antique style tiled roof’ in paragraph 5.16. In response, the Parish Council has stated that this should read ‘pantiles’ • Paragraph 5.16 refers to the Parish Council Survey in Appendix 2b. However, there is no Appendix 2b accompanying the Plan. There is a separate Appendix 1 which includes a copy of the questionnaire and questionnaire results. If it is the intention to include this document as an Appendix to the Plan, it needs to be listed in the contents page and I assume that it would become Appendix 3 			<p>The reference should be to Appendix 2b in the Consultation Statement and paragraph 5.16 has been amended accordingly.</p>	<p>development and its contribution to the street scene. The footprint of new developments will also not occupy more than 50% of the site unless there is a clear design justification.</p> <p>The materials to be used in any new dwelling, redevelopment or extension to a dwelling in the area should be carefully selected to blend in with adjacent properties and area to maintain the character of the village.</p> <p>The materials to be used in any new building, redevelopment or extension to a dwelling in the area should be carefully selected to blend in with adjacent properties and area where appropriate, to maintain the character of the village.</p> <p>Supporting text:</p> <p>5.16 It is important that sustainable design solutions are achieved, and in this area the use of materials which are sympathetic to existing housing in the local vicinity is to be encouraged. The Parish Council survey (Appendix 2b to the Consultation Statement question 2.3) showed that the preferred build materials within the village are brick walls with slate or antique styled tiled pantile roofs, therefore where possible the Neighbourhood Plan will endeavour to ensure these types of materials are used, in keeping with much of the existing housing stock within the Parish.</p>
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<p>Policy 5: Development of Shops, Workshops and Business Units</p>	<p>Recommendation: to meet the Basic Conditions, I recommend modification to Policy 5 by the deletion of reference to the establishment of new shops.</p>	<p>QB</p>	<p>Yes</p>	<p>The policy has been modified as recommended</p>	<p>Policy 5 – Development of Shops, Workshops and Business Units</p> <p>Development which will provide for the expansion of existing businesses and the establishment of new of shops, workshop and business units will be supported where:</p> <p>a) It is compatible with the existing form and character of the village and is not intrusive in open countryside; b) It would not result in unacceptable harm to the living conditions of the occupants of neighbouring properties in terms of noise, vibration, smell. Light pollution or visual intrusion; c) Safe vehicular access can be provided and it would not result in the generation of additional traffic that would result in harm to road safety or severe congestion. d) It would not result in an unacceptable level of on street parking having regard to road safety and the free flow of traffic.</p> <p>The provision of accommodation to facilitate homeworking in new or existing dwellings will also be supported subject to the above criteria.</p>
<p>Policy 6: Village Services and Facilities</p>	<p>Recommendation: to meet the Basic Conditions, I recommend:</p> <p>1) the inclusion of an Ordnance Survey base map identifying the facilities listed in paragraph 5.24 of the Plan.</p> <p>2) modification to Policy 6 to read as follows:</p>	<p>QB/LPA</p>	<p>Yes</p>	<p>The recommendation suggests that the map should be added as well as the aerial photograph.</p>	<p>Policy 6 – Village Services and Facilities</p> <p>Within the Village Development Boundary, proposals for new shops or other village services will be supported where they meet all the environmental criteria in Policy 5.</p>

	<p>Policy 6 – Village Services and Facilities</p> <p>Within the Village Development Boundary, proposals for new shops or other village services will be supported where they meet all the criteria in Policy 5.</p> <p>Proposals for a change of use that would result in the loss of any of the facilities listed in paragraph 5.24 and shown on Map [XX] and the aerial photograph above will only be permitted if it has been clearly demonstrated that</p> <ul style="list-style-type: none"> • There is insufficient demand to justify the retention of the facility or • Equivalent or better provision has been made in a location where it can be easily accessed by the village. <p>Development which would increase the sustainability of these facilities or the establishment of new facilities and would be consistent with other policies in the development plan will be supported.</p>			<p>The photograph is not necessary if the map is added and so the wording to the policy has been modified to omit reference to the photograph and the photograph has been deleted.</p> <p>Policy modified as recommended.</p>	<p>Proposals for a change of use that would result in the loss of any of the facilities listed in paragraph 5.24 and shown on the Map 5 aerial photograph above will only be permitted if it has been clearly demonstrated that</p> <ul style="list-style-type: none"> • There is insufficient demand to justify the retention of the facility or • Equivalent or better provision has been made in a location where it can be easily accessed by the village. <p>Development which would increase the sustainability of these facilities or the establishment of new facilities and would be consistent with other policies in the development plan will be supported.</p> <p>New Map 5 has been added to replace the aerial photo.</p>
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4. Decision

4.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations that the examiner made in the report under paragraph 10 of Schedule 4A to the 1990 act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.

4.2 King's Lynn and West Norfolk Borough Council have carefully considered each of the recommendations made in the examiner's report and the reasons for them and have decided to accept most of the modifications to the draft plan.

4.3 Following the modifications made, the Terrington St John Neighbourhood Development Plan will meet the basic conditions:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- The making of the neighbourhood plan contributes to the achievement of sustainable development;
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the King's Lynn and West Norfolk Local Plan - Core Strategy (2011) and Site Allocations and Development Management Policies Plan (2016);
- The making of the neighbourhood plan does not breach and is otherwise compatible with EU obligations; and;
- The making of the neighbourhood plan is not likely to have a significant effect on a European site either alone or in combination with other plans and projects.

4.4 It is recommended that the Terrington St John Neighbourhood Plan progresses to referendum. Consideration has been given as to whether the area should be extended beyond that of the neighbourhood area. The Borough Council concurs with Examiner's conclusion that nothing has been suggested which would require an extension of the area beyond that originally designated (16/02/2017).

Decision made by:

Geoff Hall

Executive Director Environment and Planning

09.07.21