

9 November 2022
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The Savills logo consists of the word "savills" in a lowercase, sans-serif font, colored red, set against a solid yellow rectangular background.

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Dear Sir / Madam,

Stoke Ferry Neighbourhood Plan Submission Consultation (Regulation 16)

Savills (UK) Ltd is instructed by Ms J Hall on behalf of the site owners to submit representations in response to the Stoke Ferry Neighbourhood Plan (SFNP) Regulation 16 Consultation, closing date 11th November 2022.

By way of context, our clients own the land west of Furlong Drove and south of the A134 and is partially bound by the cemetery to the south and east.

Broad support is given to Stoke Ferry Parish Council for the preparation of Neighbourhood Plan, however we are concerned that some of the draft policies seek to constrain future development opportunities of our client's land, particularly in respect of protection of important views and local green space without the necessary justification. We also note that the Neighbourhood Plan does not allocate any sites for residential development.

As you will be aware, for a Neighbourhood Plan to proceed to a referendum, the Localism Act requires the appointed Examiner to consider whether it meets the 'basic conditions' set out at Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and summarised in Paragraph ID41-065-20140306 of the national Planning Practice Guidance (PPG). This includes the requirement to seek to contribute to achieving sustainable development and to have regard to national policies and guidance.

National Planning Policy Context

The National Planning Policy Framework 2021 (NPPF) establishes that the purpose of the planning system is to contribute to the achievement of sustainable development. The three objectives of 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.

Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It notes that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby. Residential development in such settlements can make a significant contribution to the maintenance and continuing provision of local services and facilities for community use, as supported by paragraph 84 of the NPPF in relation to Supporting a Prosperous Rural Economy.

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In respect of housing delivery, the NPPF recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, as they are often built-out relatively quickly (paragraph 69).

The Planning Practice Guidance explains that “...*Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan...*” (Paragraph: 040 Reference ID: 41-040-20160211).

It is therefore important that the Neighbourhood Plan pursues a development strategy which allows for the growth of Stoke Ferry as a means of ensuring its long term sustainability.

In addition the policies within the emerging Neighbourhood Plan must be informed by robust evidence.

Stoke Ferry Neighbourhood Plan Regulation 16 Consultation Document

The focus of the comments made on behalf of our client relate to the following policies:

- General Comment: Housing Allocation;
- Policy SF13: Protection of Important Public Views; and
- Policy SF18: Local Green Space.

Housing Allocation

Whilst Policy SF4 supports a wide range of housing types that meet local needs, it is noted that the draft Neighbourhood Plan does not specifically allocate any sites for residential development.

It is advantageous for Neighbourhood Plans to allocate land for residential development as this enhanced protection from speculative development in any scenario where King’s Lynn and West Norfolk Borough Council could not demonstrate a sufficient 5 year housing land supply. Paragraph 14 of the NPPF explains that the presumption in favour of sustainable development only applies in areas which are the subject of Neighbourhood Plans, where allocations are made for residential development, when the supply of housing is less than 3 years. This is not applicable in the case of the emerging Stoke Ferry Neighbourhood Plan as it does not contain any residential allocations.

Policy SF13: Protection of Important Public Views

Draft Policy SF13 seeks to protect a number of Views considered to be important at the local level. It is noted that there is no supporting evidence which either assesses or justifies the identification and inclusion of these particular Views as ‘Important Views’ worthy of protection within the Neighbourhood Plan.”

Relevant to our client’s site is View 2 ‘looking west towards Old Tower Mill from Furlong Drove’.

Firstly we wish to highlight that there is a discrepancy between the description of View #2 in SF13 and figures 25 and 26. Figure 25 depicts a northward View from our client’s site towards the A134. The Legend lists the View as ‘Important Public View from Furlong Drove’. Figure 25 is consistent with Figure 6 of the Stoke Ferry Design Codes prepared in support of the Neighbourhood Plan.

Policy SF13 states that ‘Development that would adversely affect an identified Public View would not be supported. Proposals that would result in a visual enhancement to an approach to the village will be supported’.

However, we wish to highlight that there is no accessible public land within our client's land. Therefore View 2 is not considered to be represent a Public View.

In addition, at a minimum the identification of View 2 would partially sterilise our client's site, limiting future development opportunities where there is no evidence to do so. The A134 is the logical future northern extent of the settlement boundary and therefore should be protected from policies that would constrain its deliverability.

Discussion

We understand Old Tower Mill has had multiple uses over the years and now operates as a luxury Holiday Unit.

Picture #2 of Figure 26 - Important Public Views, is a photo of Old Tower Mill, which appears to be taken from Furlong Drove somewhere north of the gated track access point of our client's land. We note that the photo appears to be 'zoomed in' and therefore provides an exaggerated and misleading representation of the View from Furlong Drove. We also note that the photo appears to have been taken in the winter since the surrounding deciduous trees are bare. The same View in the summer is much different as a significant portion of the Old Tower Mill is screened by the leaved trees, which will increase as the trees continue to mature.

It is noted that Views to Old Tower Mill from Furlong Drove (public right of way) are visible for short stretch of road (approximately 25 metres) where the applicable speed limit is 60 MPH (National Speed Limit). Likewise, the viewpoint is beyond the settlement boundary. Whilst Furlong Drove has a footpath on the eastern side, there are limited destinations from the village north of the cemetery, and as such, we do not anticipate much pedestrian traffic.

Whilst we acknowledge Old Tower Mill is a Grade II Listed asset and appreciate its historical significance to the village, the proposed View to be protected will continue to diminish overtime as the surrounding trees mature and further screen the tower. Further, the viewpoint is located along a low pedestrian traffic, short stretch (25 metre) of road outside of the settlement boundary.

Remedy

As such, we request that this View be removed from Policy SF13 as it is not robustly justified as an important Public View. The designation would also unjustifiably reduce the future development potential of our client's property, which is readily available to facilitate future growth of the village.

Policy SF18: Local Green Space

The National Planning Policy Framework explains the designation of land as Local Green Space through neighbourhood plans which allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services (para 101).

The NPPF explains at paragraph 102 that "*the Local Green Space designation should only be used where the green space is:*

- a) *in reasonably close proximity to the community it serves;*
- b) *demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) *local in character and is not an extensive tract of land."*

The Neighbourhood Plan proposes to designate a number of sites as 'Local Green Spaces' for special protection, including 3) Cemetery on Furlong Drove (plus the Cemetery extension).

Our client agrees with the suggestion that the Cemetery itself should be designated as Local Green Space, as

justified at Appendix 3 of the Draft Neighbourhood Plan (*Attachment 1 to this letter*). However, we object to the inclusion of the 'cemetery extension' for the reasons stated below.

Discussion

Test 2 of NPPF para. 102 states that the land needs to be demonstrably special to a local community and hold a particular significance. As stated in 'Appendix C' of the Neighbourhood Plan 'Site Description', the additional land is currently being rented to a local resident and is not being used as a cemetery.

The NPPF at paragraph 103 states that '*policies for managing development within a Local Green Space should be consistent with those for green belts*' and therefore affords them a very high level of protection. As such, this designation should not be applied lightly and must be appropriately justified in accordance with the requirements of Planning Practice Guidance.

By way of background, our client sold some 'additional land' to the Parish in 1999 at their request to facilitate the extension of the cemetery. It is noted that planning permission was granted in June 2004 for an initial extension (LPA Ref: 04/00942/CU). It is clear from Appendix C that some of the land proposed to be designated as a Local Green Space as part of the Neighbourhood Plan is not currently in cemetery use. It is therefore not demonstrably significant as it does not make up part of the cemetery and is currently being rented to a local resident for other uses.

Remedy

The Cemetery Extension currently does not satisfy the Local Green Space designation tests prescribed by para. 102 of the NPPF and the Planning Practice Guidance and should be excluded from the draft Policy SF18.

Notwithstanding this, the land would be an ideal location for cemetery extension in the future. It is our client's preference that the additional cemetery land at Furlong Drove is specifically allocated for its intended use for clarity.

Conclusion

It is important that the Neighbourhood Plan is considered within the context of national policy which continues to focus on the importance of growth and housing in rural areas.

Development is essential to secure the future of services and facilities in the local area, which are key to the long-term sustainability of rural communities. This is the case particularly at sites where development can provide a contribution towards identified housing needs and such sites have been assessed as being capable of accommodating development and mitigating their impact such as Land west of Furlong Drove.

These comments on the Neighbourhood Plan highlight a lack of robust evidence for proposed policies and make recommendations to amend the Neighbourhood Plan to respond to the issues raised.

We trust the above comments clearly set out our client's position at this stage. We would welcome the opportunity to participate in the Examination of the emerging Stoke Ferry Neighbourhood Plan.

Yours sincerely,



Jacob Kaven MRTPI
Senior Planner



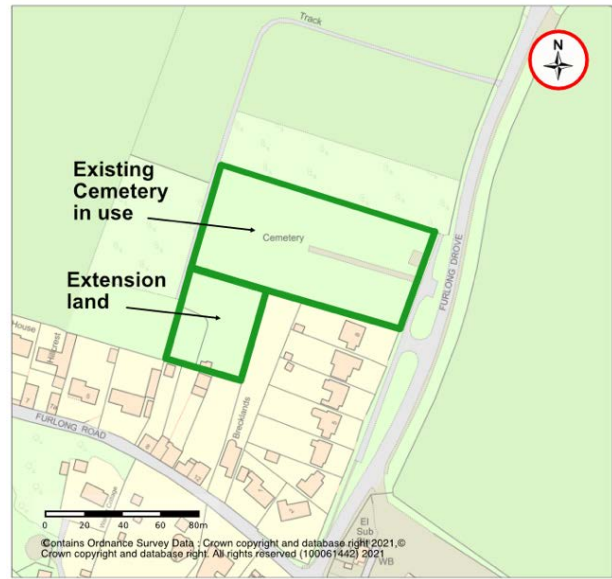
LIST OF ATTACHMENTS

Attachment 1 - Appendix C: Local Green Space Justification Extract



3. The Cemetery

Description: The Stoke Ferry village cemetery is located on Furlong Rd. It is owned and managed by Stoke Ferry Parish Council. Part of it is consecrated and there is additional land which is currently rented to a local resident. The cemetery is independent of the church and churchyard and is in-keeping with traditional landscaped rural burial grounds.



<p>In reasonably close proximity to the community it serves</p>	<p>The cemetery is located within the village</p>
<p>Demonstrably special to a local community and holds a particular local significance</p>	<p>As well as providing an essential local service of interment, including World War One war graves and a garden of remembrance. With numerous hedges and trees, the cemetery provides a wildlife habitat for a wide range of birds, insects and mammals.</p>
<p>Local in character and is not an extensive tract of land</p>	<p>It is in keeping with a village cemetery and is not an extensive tract of land</p>