

## Sedgeford Neighbourhood Development Plan

### Examiner's Clarification Note

This note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

#### *Initial Comments*

The Plan provides a clear and distinctive vision for the neighbourhood area. In particular it addresses a series of important issues in a positive and effective fashion.

The layout and presentation of the Plan is good. The various maps add to its depth and interest. The differences between the policies and the supporting text is very clear.

#### *Points for Clarification*

I have read the submitted documents and the representations made to the Plan and have visited the neighbourhood area. I am now in a position to raise issues for clarification with the Parish Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions. I set out specific policy clarification points below in the order in which they appear in the submitted Plan:

#### *General policy wording*

The various policies are well-written in general terms

Nevertheless, I am minded to recommend throughout the Plan two modifications to the wording used as follows:

Replacing 'permitted' with 'supported'. The former is very prescriptive and fails to take account of the Borough Council's need to balance all the material considerations that relate to individual applications. The latter is largely industry-standard for neighbourhood plans.

Replacing 'would not be harmful' with language which, as appropriate, draws the distinction between potential impact and its acceptability or unacceptability. The recognises that development is assessed not simply on harm but the acceptability of that harm.

**We have no objections to these changes.**

#### *Policy H1*

I can see the approach taken towards the number of houses. However, could the approach inadvertently lead to development that would conflict with the scale and nature of development to the north and south of the site?

**We do not consider that the very small increase in the number of dwellings proposed would significantly conflict with the scale of this development. We aim to apply the policy in the Site Allocations Document for this site and at the same time to secure affordable housing. The Borough Council decision did not explain why it accepted a departure from its own policy on a site in its ownership.**

#### *Policy H2*

I can see the approach in criterion d). However, it reads as a process issue rather than as a policy. I am minded to recommend a modification so that it becomes a policy. The modification would also include the requirement for an appropriate boundary treatment to the east of both sites, along the boundaries with the existing dwellings off Ringstead Road and to the north of Site 2 and to the south of Site 1.

Does the Parish Council have any comments on these propositions?

We do not object to the principle being proposed. The importance of boundary treatment on the southern side of site 1 is less significant from a landscape point of view as this is the border with the Primary School site. However, appropriate boundary treatment would help to preserve the character of the Conservation Area.

In criterion g) is the approach reasonable given the anticipated yield of the two separate sites?

It is accepted that there may not be any affordable housing provided on the site. However, as the site is in a designated rural area, Council policies apply to developments of 5 dwellings or more. It is also possible that the Council policy could change during the plan period.

#### *Policy H4*

What is the purpose of the fourth bullet point? Is it possible to apply a site selection process to exception sites?

The intention is that the suitability of any site that may be brought forward as an exception site is considered against the criteria that were used for the site selection process. This is to ensure that any sites that are clearly unsuitable are not accepted. It is not intended to mean that there should be an appraisal of all alternative exception sites as clearly availability is a prime consideration. It is accepted that a modification to the wording to clarify this intention would be appropriate.

Is the final part of the policy supporting text rather than policy?

What do you mean by “the final part of the policy”. If this refers to criteria 1) – 6) they are intended to be part of the policy and have been suggested by the Borough Council. The word “which” has been mistakenly omitted after “...a planning obligation.”

#### *Policy H5*

In the second sentence does ‘this size’ mean two and three-bedroom? **Yes**

How would the restriction on large extensions for such houses work in practical terms?

The intention is to ensure that houses which would meet the need for smaller houses do not get extended to become bigger houses. If the site layout is designed in such a way that large extensions could not easily be accommodated or would not be acceptable in planning terms the policy would help to achieve this. For example, semi-detached houses or terraced houses on relatively small plots are less likely to be subject to large extensions than detached houses on larger plots.

Does it refer to the 40% plot coverage issue addressed in Policy H3?

**Both policies would need to be applied.**

Is the size of a ‘large extension’ defined?

No, it would need to be assessed in relation to the specific circumstances.

*Policy H6*

Has any detailed work been carried out on the 40% increase figure?

No. There is a problem in reconciling the need for policies to be “concise precise and capable of being applied consistently by a decision maker” and the need for clear justification. The 40% figure is chosen on the basis that it is considered to strike a reasonable balance between the likelihood that any replacement dwelling will be significantly larger than the original as many older properties are small by modern standards, and the aim of retaining a stock of smaller houses.

In the second bullet point does ‘cramped’ mean too large for the plot size? **Yes, taking particular account of the effect on the street scene.**

Is the policy designed to apply both within and outside the AONB? **Yes, though within the AONB the impact on the AONB is an additional consideration.**

*Policy H7*

I can see the contents of paragraph 8.1.19. However, has any detailed work been undertaken on the 40% extension ceiling?

**It is considered to provide helpful guidance to deliver the aims in 8.1.19**

Is it necessary within the context of the more general first bullet point?

**The first bullet point lacks precision without this additional guidance.**

*Policy E3*

With Appendix 11 this reads as a very effective policy.

On a matter of detail please can you provide detail to fill in the missing gaps on the size of LGS 1-3 (inclusive). This is necessary for an assessment on the ‘local scale’ criterion in the NPPF.

**Apologies for this omission. This information will be supplied shortly.**

The proposed LGS1 (The Green) includes a finger of land to the south of its main area leading to Parkside. When I looked at this area as part of my visit this finger of land appeared to be distinct from the main area and in separate ownership. Your comments on this matter would be appreciated both in general terms and as it is not directly addressed in Appendix 11 in particular.

**The site has been revisited and we have also checked with a long-term local resident. The lack of clarity here probably results from the small scale of the map. The actual boundary to the south-east of the Green is level with the southern exterior wall of the bungalow to the west and the row of fences to the north of the back gardens of the first few houses on Parkside. Part of the area coloured green is the footpath, which does extend from the Green to Parkside. It may well be appropriate to exclude this from the area to be defined as Local Green Space. The Green belongs to the Borough Council – as did the whole of this former field when all these houses were rented as council houses. The footpath is defined as a “County Council maintained Road” on the definitive rights of way map, so can be assumed to be in County Council ownership. Map 8 will be modified to exclude the southern end of the “finger” and a revised version will be supplied.**

*Policy E4*

This reads more as a celebration of the importance of this parcel of land rather than as a policy.

Does the site have any statutory protection? If so, is the policy necessary?

The site does not have any statutory protection, other than entries recording previous excavations in the Norfolk Historic Environment Record. The SHARP is an important, distinctive characteristic of Sedgeford as the supporting text states. It may be argued that because of its location it is unlikely to be developed, but it is considered important for the Plan to identify the importance of SHARP in terms of its social, economic and environmental contribution to the village and to protect this in future.

*Policy T1*

I saw the significance of traffic first hand as part of my recent visit to the neighbourhood area. Nevertheless, it is not written as a land use policy. In any event it largely repeats the penultimate Parish aspiration.

It is understood that the ability of neighbourhood plans to address highways issues is limited, nevertheless, the policy is written as a policy relating to the development of land. Traffic was one of the most important issues raised in the questionnaire and during consultation.

In these circumstances I am minded to recommend the deletion of the policy. Does the Parish Council have any comment on this proposition?

The Parish Council would like this policy to remain in the plan. Should there be changes in either Borough Council or National policies during the life of this plan, it might become more relevant than it appears at present.

**Representations**

Does the Parish Council have any comments on the various representations made to the Plan?

In particular does it have any comments on the representations made by:

- Norfolk County Council
- Ms Verity Danziger
- Mr Kevin Minns

The response of the Parish Council to these comments is set out below

**Norfolk County Council**

Many of the comments from NCC were also made at the Reg 14 stage and the response is included in the Consultation Statement.

Transport Comments

We consider that the approach of Norfolk County Council on this issue is unduly inflexible. There is a

footpath to the school available on the west side of Ringstead Road. Clearly this footpath is used by all children heading to the school from that side of the road and they then have to cross Ringstead Road to get to the school. The village speedwatch team has carried out further surveys recently, both on the B1454 and on the Ringstead Road. These, together with observations by local residents, suggest there is far less of a problem with volume and speed of traffic on Ringstead Road than on the B1454. Ringstead Road is substantially less busy than Heacham Road / Docking Road and traffic speeds along it tend to be less. Also, the provision of a footpath on both sides of the road to NCC standards would have an urbanising effect on the village which would be detrimental to its character. We have not carried out a detailed assessment of whether a footpath on the eastern side of Ringstead Road would be possible having regard to the guidance from NCC that the minimum width of the road should be 5.5m and of the footpath 1.5m. From a superficial inspection it appears to be marginal and would have an effect on the frontage of the existing cottages.

We have discussed the issue with the Borough Council who consider that the provision of a continuous footpath on the eastern side of the road is not essential, for the reasons above. The proposed footpath identified in the Plan is put forward as a constructive proposal. Because the land is in the same ownership as sites 1 and 2 we know that it can be made available, though it is accepted that arrangements to secure this and ongoing maintenance would be necessary. The line of the path is indicative and would depend on the layout of development. It may well not be used by all pedestrians but it would be a safe option for those who choose to do so and not a major diversion. It is not unusual for footpaths which are not in the control of the highways authority to be used as safe routes to school.

#### Infrastructure Delivery

We have no objection to the wording suggested by NCC regarding CIL and S106 agreements, but do not consider that they are necessary as they would simply duplicate existing borough council policies. We do not consider that the reference to sprinklers is relevant in a land use plan.

#### Biodiversity and Landscape

The sites referred to in this comment already enjoy protection and we have no proposals for them which would add to this.

#### Access

We have considered this issue. However, the limited scale of development proposed means that there is very little opportunity for it to be able to provide additional links to the footpath network. Policy H1 does, however, require the development off Jarvie Close which was proposed in the Borough Council's Site Allocations Document to connect to the footpath to the west of the site. Policy H2 also suggests an additional footpath to provide a safe route to school from sites 1 and 2.

#### Flood Risk

We have nothing to add to the policies of the Borough Council and the general approach set out in the NPPF in this respect.

#### Historic Environment

We welcome the support for the approach in the Plan.

**Verity Danziger**

The Comment regarding land ownership has not previously been made. We would not object to the removal of this area which is believed to be that highlighted on the attached map from Site 2. A revised version of Maps 4 and 5 will be provided as soon as possible.

The drainage rights would need to be considered as part of any detailed proposal.

It is not accepted that the proposed footpath need be harmful to privacy. There is a substantial hedge along the northern boundary of the cottage and the garden is quite long. It is not at all unusual for a footpath to run along the side or rear of residential properties.

**Kevin Minns**

Policy H2 has been modified to reflect comments made by Mr Minns at earlier stages. It is not possible to restrict the occupation of the properties in the ways that Mr Minns suggests. While the policy does not require the development to follow a particular building line, it does require it to demonstrate that the development would respect the character of the existing buildings, and respect the living conditions in the cottages. There are several possible ways of laying out the site and it was considered too prescriptive to determine exactly what would be needed at this stage. The response regarding the footpath is the same as that to Verity Danziger and NCC.

***Protocol for responses***

I would be grateful for comments from the Parish Council by 13 May 2019. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please could it all come to me directly from the Borough Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Sedgeford Neighbourhood Development Plan.

26 April 2019

