

Borough Council of King's Lynn & West Norfolk:

**Thornham Neighbourhood Plan – Decision on examiner's
recommendations**

February 2021

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



Borough Council Decision on the Examiner's recommendation for the Thornham Neighbourhood Plan

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Thornham Neighbourhood Area
Parish Council	Thornham Parish Council
Submission	20 th July 2020 – 14 th September 2020
Examination	October/November 2020
Inspector Report Received	04/11/2020

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 Thornham Neighbourhood Plan has been amended taking into account these modifications, and the Borough Council has reached the decision that the Thornham Neighbourhood Development Plan may proceed to referendum.

2. Background

2.1 The Neighbourhood Area of Upwell was designated on 17/03/2017. The Neighbourhood Area corresponds with Parish boundaries for Thornham Parish Council. The Thornham Neighbourhood Plan has been prepared by Thornham 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 20th July and 14th September 2020. As part of this the plan it was publicised for an eight-week period due to Covid-19 to allow further extension for representation invited.

2.3 In September 2020 John Parmiter was appointed by the Borough Council with consent of the Parish Council, to undertake the examination of the Thornham Neighbourhood Plan. The examination took place over October/Early November 2020. This culminated in the Examiner's Report being issued on 04/11/2020.

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 Thornham 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 for the NP to be compliant with the basic conditions as stated in the final Thornham NP Examination Report November 2020	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 Thornham neighbourhood plan.
5 Design Policy	<p>Policy D1-Design principles for new development</p> <p>To be a clearly expressed policy, to meet the Basic Conditions, I recommend the following minor textual modifications:</p> <ul style="list-style-type: none"> •In the second sentence, the final semi-colon to be replaced by a colon •Add to the end of criterion (d) –“; and” •Delete the words “Schemes should” in (e); and add “; and” at the end •Add new criterion(f): “conform to Secured by Design principles” •In the final criterion–now (g), the final semi-colon to be replaced by a full stop. 	<p>QB</p>	<p>Yes</p>	<p>Amend the text</p>	<p>Proposals will be supported where they demonstrate a high design quality. In order to achieve this development should:</p> <ul style="list-style-type: none"> a) use a locally inspired range of materials (such as Clunch, flint or carrstone in association with red brick and red clay pantiles) to reinforce the characteristic colour palette of the village; and b) be guided by the proportions, height and plot orientation of the existing dwellings; and c) use designs that draw upon local character in terms of style to ensure new development enhances the distinctiveness and quality of the Parish as a whole;and d) demonstrate that buildings, landscaping and planting will create well defined streets and attractive green spaces that respond to the existing settlement boundaries and buildings in terms of enclosure and definition of streets and spaces; and e) Schemes should demonstrate a layout that maximises opportunities to integrate new development with the

					existing settlement pattern and blend into the wider landscape; and f) Conform to Secured by Design principles; and g) Take advantage of opportunities to improve connectivity within the village for pedestrians and cyclists.
6 Housing	<p>Policy H1–Housing development within the development boundary</p> <p>The boundary is shown on Map 8 (erroneously referred to as Map 7 in the supporting text (7.2.2–which also incorrectly refers to page 18 instead of p.19 -and in the policy); I recommend these errors are corrected. The map is primarily designed to illustrate the number of recent permissions for housing in the village but it is the only place where the development boundary is shown. I therefore recommend that Map 8 is re-titled: “Development Boundary”; and that a key is added to note the planning permissions granted in the relevant period, assumed to be 2011-2020.6.4</p> <p>The LPA had no substantial comments. The criteria are mostly design points. As the intention is for all criteria to apply to housing developments, I recommend, for clarity, that the word “and” be added at the end of criterion (a).</p>	QB/LPA	Yes	QB will make textual changes and the LPA sort out the map	<p>Due to mapping difficulties, we propose to state clearly in a figure box above the map a key which notes: the planning permissions granted in the relevant period, assumed to be 2011-2020.</p> <p>Amendment to H1 Criterion a: Within the development boundary of Thornham shown on Map 8 proposals for infill development will be supported where:</p> <p>a) The proposed development is of a scale, density, layout and design that is compatible with the character and appearance of the part of Thornham in which it would be located and does not result in a cramped or urbanised form of development; and</p>
6	<p>Policy H2: Housing development outside of the development boundary</p> <p>I consider the policy meets the Basic Conditions, subject to modifications to meet the points raised above. I therefore recommend that Policy H2 be modified as follows:</p> <ul style="list-style-type: none"> • It be re-titled: “Rural exception sites”; 	QB	Yes	QB will make textual changes	<p>Policy H2: Rural Exception Sites</p> <p>Outside the development boundary new development will only be permitted in accordance with national and Local Plan policies for development in the countryside. Small-scale developments that provide affordable social</p>

	<ul style="list-style-type: none"> •The second, third and fourth sentences be deleted and replaced by: “Small-scale developments that provide affordable social rented and/or shared-ownership housing, and which include a proportion of market homes where essential to the delivery of affordable units without grant funding, will be supported where the development meets all the following criteria”: [continue with a-g]; and •Add criterion (h): “The development is supported by a Landscape and Visual Impact Assessment”. 				<p>rented and/or shared-ownership housing, and which include a proportion of market homes where essential to the delivery of affordable units without grant funding, will be supported where the development meets all the following criteria:</p> <ul style="list-style-type: none"> a) The site is adjacent to the settlement boundary; b) The need for the development has been clearly demonstrated by a local assessment of housing need; c) The houses provided are predominantly 1-2 bedroom, with a mix designed to meet the needs of younger working age people, or be capable of meeting the needs of elderly people or being adapted to do so; d) The development would not be intrusive or detract from the distinctive qualities of the Area of Outstanding Natural Beauty; e) The development would not erode the gap between Thornham and the neighbouring settlements of Holme-Next-The Sea and Titchwell; f) The development would not be harmful to the living conditions of neighbouring residents; g) The development is compatible with the character and appearance of the part of Thornham in which it is located; h) The development is supported by a Landscape and Visual Impact Assessment.
--	---	--	--	--	--

					<p>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:</p> <ol style="list-style-type: none"> 1. Existing residents of Thornham who have lived in the village for more than 12 months; 2. Past residents of Thornham 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 Thornham because of their permanent employment or offer of permanent employment; 4. People who are not resident in Thornham who need to live near family members resident in the village; 5. Existing residents of the neighbouring villages of Holme-next-the-Sea, Titchwell, Chosely and Ringstead; 6. 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.
6	Policy H3: Size of dwellings	QB	Yes	QB will make textual changes	Policy H3: Size of dwellings

	<p>I recommend that it be drafted in simpler terms, to reflect the evidence and to flow from the supporting text, as follows: “New housing developments that consist primarily of 2-3 bedroom dwellings and that take particular account of the need for housing the elderly and younger people of working age will be supported.”</p>				<p>New housing developments that consist primarily of 2-3 bedroom dwellings and that take particular account of the need for housing the elderly and younger people of working age will be supported.</p>
<p>6</p>	<p>Policy H4: Replacement dwellings</p> <p>I recommend the policy be modified as follows to meet the Basic Conditions: “Within the development boundary the loss of small dwellings will only be supported where the replacement building is designed to be appropriate to the character of its site and surroundings, especially in terms of its proportions on site, the gap between frontages and the criteria in policies D1 and H1.” The supporting text needs to be modified accordingly, referring to 40% as a general guide only.</p>	<p>QB</p>	<p>Yes</p>	<p>QB will make textual changes</p>	<p>Policy H4 Replacement dwellings</p> <p>Within the development boundary the loss of small dwellings will only be supported where the replacement dwelling is designed to be appropriate to the character of its site and surroundings, especially in terms of its proportions on site, the gap between frontages and the criteria in policies D1 and H1.</p> <p>Supporting text: The replacement of small dwellings with larger ones is likely to erode the spaces between dwellings and undermine the essential character of the village. While some increase in the floorspace of replacement dwellings is likely to be necessary to provide living space which meets current standards, the policy is intended to prevent the replacement of small dwellings by larger ones on a speculative basis. Very large replacement dwellings will reduce the stock of smaller dwellings and while each case will need to be considered on its merits, a replacement dwelling that has a floorspace more than about 40%</p>

					bigger than the original dwelling would represent a dwelling of a different scale. This figure will be used as a guide to the appropriateness of the proposal.
6	<p>Policy H5: Residential extensions</p> <p>I recommend the policy be modified by the following minor drafting changes:</p> <ul style="list-style-type: none"> • In the third bullet, delete the words after “the original dwelling”; replace with: “taking into account any existing outbuildings and garages”; and • Delete the fourth bullet. The supporting text will also need to be modified accordingly. 	QB	Yes	QB will make textual changes	<p>Supporting text: There is also a strong case for limiting the scale of extensions to existing dwellings because of the evidence that there is already an over-representation of larger dwellings in relation to the size of households. The progressive expansion of existing dwellings would tend to further skew the housing mix towards larger dwellings and reduce the already limited availability of relatively small dwellings. The policy represents a balance between the understandable desire of residents to expand their homes to meet their needs, which may include adaptation to meet the needs of the elderly, and the desirability of ensuring that a supply of relatively small dwellings is retained.</p> <p>Policy H5: Residential extensions</p> <p>Extensions to existing dwellings will be permitted where they:</p> <ul style="list-style-type: none"> • Respect the character of the original dwelling and neighbouring development; and • Do not reduce the gaps between existing dwellings in a way which leads to a cramped appearance or undermines the rural character of the village: and

					<ul style="list-style-type: none"> • Are subordinate to the original dwelling taking into account any existing outbuildings and garages; and • Retain sufficient space for off street parking for the expanded dwelling in accordance with Norfolk County Council parking standards
7 Policies for business, employment and tourism	<p>Policy EMP5: New Parking provision</p> <p>I recommend that “; and” be added after all the criteria, bar the last one, in Policies EMP1-5.</p>	QB	Yes	QB will make textual changes	<p>Policy EMP 5: New parking provision</p> <p>The provision of additional car parking space close to the A149 will be supported where:</p> <ol style="list-style-type: none"> it is suitably located to meet the demand for parking related to tourism; and it enhances access to village facilities; and it does not draw additional traffic through the village; and access arrangements to the A149 and facilities for pedestrians meet the requirements of the highways authority; and it is appropriately landscaped to minimise any harmful impact on the AONB and the Conservation Area.
8 Community facilities	<p>Policy C1: New and existing community facilities</p> <p>I recommend that the list in the policy be numbered; and that a suitable map be added to identify the location and extent of the facilities listed, suitably cross-referenced to the numbered facilities.</p>	QB/LPA	Yes	QB will make textual changes and LPA will sort out the map	<p>Map 9 has been made.</p> <p>Development proposals which would result in the loss of all or part of any of the facilities listed below and shown on Map 9 will only be permitted if it can be demonstrated that:</p>

					<ul style="list-style-type: none"> a) the operation of the facility is no longer viable or necessary or b) the use will be replaced by another use which is a valuable community facility: or c) a replacement facility of equal size and quality will be provided in an accessible location: <ul style="list-style-type: none"> 1. Thornham Village Hall 2. The playing fields and tennis courts 3. The Thornham Deli 4. The Lifeboat Inn 5. The Orange Tree Public House 6. The Chequers Public House 7. All Saints Church 8. The former Hair Factory
<p>9 Important views and Local Green Space</p>	<p>Policy L1: Important views</p> <p>I recommend that policy be modified as follows: "All new developments should take account of the AONB Landscape Character Assessment and East Marine Plan Policy SOC3 in relation to their impact on the views identified on Map 9."</p>	QB/LPA	Yes	<p>QB will make textual changes</p> <p>LPA Make recommended map changes</p>	<p>Map 10 endnote: Map 10 will be uploaded as a separate PDF attachment with the neighbourhood plan documentation for users to see a clearer image</p>

<p>9</p>	<p>Policy L2: Local Green Spaces</p> <p>I have come to the view that the following spaces can be regarded as fulfilling the criteria in the Framework: 2. The churchyard3. Meadow east of Staithe lane4. Meadows north of Ship Lane7. Thornham and Oldfield Greenetc9. Small green at j/o Hall Lane and High Street</p> <p>I recommend that the policy be modified as follows: “The green spaces listed below, shown on Map 10 and identified in Appendix 5 are designated as Local Green Spaces, where development will only be permitted in Very Special Circumstances: [add list in para 9.11, above]”Appendix 5 will therefore also need to be modified, to omit the remaining spaces; and to include OS-based mapping of the sites retained.</p>	<p>LPA/QB</p>	<p>Partially</p>	<p>QB make textual changes</p>	<p>In light of modifications made for the Local Green Spaces, the LPA/QB agree that the justification for allowing 5 out of the 9 LGS lacks consistency due to the 4 LGS not allowed fall in accordance with the NPPF Para 100 which is discussed in the examiner’s report. For this reason, the LPA have decided to allow all the LGS and have taken the necessary requirements to seek representation by the landowners and the parish on this matter.</p> <p>Representations made in response to keeping the Local Green Spaces were supportive and noted. We therefore propose no changes to the map.</p> <p>Textual changes will still take place to reflect recommended modifications: Policy L2: Local Green Spaces</p> <p>The green spaces listed below, shown on Map 11 and identified in Appendix 5 are designated as Local Green Spaces. Where development will only be permitted in very special circumstances: Within these spaces new development will only be permitted in exceptional circumstances unless it is clearly related to the existing use of the space.</p> <ol style="list-style-type: none"> 1. The Playing Field 2. The churchyard 3. Meadow to the east of Staithe Lane 4. Meadows north of Ship Lane
----------	---	---------------	------------------	--------------------------------	---

					<ol style="list-style-type: none"> 5. Small green between Church Street and High Street 6. Small green at the junction of Ship Lane and Church Street 7. Thornham Green and Oldfield Green and the ponds hedges and ditches along The Green north and south of the lane. 8. Shore Road from the junction with The Green at the southern end to the high water mark at northern end. 9. The small green at the junction of Hall Lane and High Street.
10 Policies for heritage assets	<p>Policy HA1: Development affecting the Conservation Area</p> <p>I recommend that the policy be modified as follows:</p> <ul style="list-style-type: none"> •“All new developments within, or affecting the setting of, the Thornham Conservation Area, that demonstrate the following will be supported: [list b) and c) as a) and b)] •Delete criterion (a). 	QB	Yes	QB will make textual changes	<p>Policy HA1 Development affecting the Conservation Area</p> <p>All new developments within, or affecting the setting of the Thornham Conservation Area, that demonstrate the following will be supported:</p> <p>Within and adjacent to the Thornham Conservation Area new development proposals will be required to demonstrate how they will preserve and where possible enhance the distinctive character of the area having regard to the draft conservation area character statement. Development will need to show:</p>

					<p>That new buildings respect the scale and arrangement of neighbouring buildings and the setting of listed buildings;</p> <p>a) That the materials used are compatible with the character of the area. The use of clunch, carrstone, brick detailing and pantiles are particularly encouraged.</p> <p>b) That, wherever possible traditional stone and brick walls on road frontages are retained and any new boundary treatments maintain the continuity of the street scene.</p>
10	<p>Policy HA2: Unlisted buildings and features of historic interest</p> <p>I recommend that the policy be modified as follows:</p> <ul style="list-style-type: none"> •“All development proposals shall have regard to the undesignated heritage assets listed and identified on Map 13: [add list A-N]” •Delete all text from O to the end. 	QB	Yes	QB will make textual changes	<p>Policy HA2 Unlisted buildings and features of historic interest</p> <p>All development proposals shall have regard to the undesignated heritage assets listed and identified on Map 14: will be required to show how it has taken account of the following buildings and features, shown on Map 14 which though unlisted are considered to be of historic interest:</p> <p>A The coal barn at the old harbour</p> <p>B The sluice gates, the old granary and the harbour and its structures</p> <p>C The old windmill on Staithe Lane</p> <p>D Plaque dated 1851 on West End Cottages</p> <p>E Plaque dated 1756 on Chestnut cottage</p>

					<p>F Plaque dated 1797 on Church View</p> <p>G Plaque dated 1682 on Hope Cottage</p> <p>H Plaque dated 1698 on Chalen Cottage</p> <p>I Plaque dated 1755 plaque on York Cottage</p> <p>J The old post box in the wall of Dix Cottage</p> <p>K The King’s Head Sign (ex Thornham Ironworks) outside The Orange Tree</p> <p>L Phone box near Green Lane</p> <p>M The Plug Pits</p> <p>N The milestone</p> <p>O All buildings identified in as “Important Unlisted Buildings” in the Thornham Conservation Area Character Statement and shown on Map 13</p> <p>Development that would result in the loss of or harm to the character of these buildings will only be supported where the benefits clearly outweigh the harm.</p>
--	--	--	--	--	--

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 Thornham 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 Thornham 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 (17/03/2017).

Decision made by:

Geoff Hall

Executive Director Environment and Planning

11/02/2021