

Burnham Market 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 sets out a distinctive vision for the neighbourhood area.

The presentation of the Plan is very good. The carefully-chosen photographs help to explain what the Plan is seeking to achieve. The difference between the policies and the supporting text is clear.

The initial sections of the Plan set the scene for the policies. The Vision and Objectives are very clear and distinctive. They also underpin the Plan's key policy themes.

The Plan is healthily supported by a series of documents. The Design Guidance and Codes, the Local Green Spaces Assessment and the Views Assessment are particularly impressive. There is a clear connection between the supporting documents and the relevant policies. This is best practice.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now able 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:

Policy 1

The purpose of the policy is self-evident. Nevertheless, is the application of the 90% figure for houses of three or less bedrooms too restrictive?

In the second part of the policy is the requirement that custom build and conversion projects justify the potential delivery of less than 90% of 1/2/3-bedroom homes?

Is the policy intended to apply to all development proposals (irrespective of size)? If so, how would the policy apply to proposals of five homes (or less)?

Policy 2

Is the second part of the policy supporting text rather than a land use policy?

Policy 3

The first part of the policy has been well-considered and is underpinned by appropriate evidence.

Other than its first sentence, the second part of the policy reads as supporting text rather than as a land use policy. Does the Parish Council have any observations on this conclusion?

I understand the third part of the policy and can see the evidence presented in the Plan. However, what is the purpose of the word 'normally'? What circumstances would cause the Parish Council to support such proposals?

In the event that the Plan was 'made' would the proposed conversion of a dwelling which had been constructed since the Plan was made to a furnished letting home already be addressed/controlled by the first part of this policy?

Policy 4

Is criterion c (on scale and height) reasonable?

Does 'scale' mean footprint or floorspace?

Is d) necessary as a replacement dwelling is inherently proposed on a one-for-one basis?

Criterion e) has now been superseded by the introduction of Part R of the Building Regulations in December 2022. As such I am minded to recommend its deletion and to address the issues in the supporting text.

The final paragraph of the policy reads as supporting text rather than as a land use policy. Does the Parish Council have any comments on this conclusion?

Has the Parish Council assessed the way in which this policy would be in general conformity with the strategic policies in the development plan including Policy LP04 of the adopted Local Plan?

Policy 5

The penultimate paragraph of the policy reads as supporting text rather than as a land use policy. Does the Parish Council have any comments on this conclusion?

The final paragraph has now been superseded by the introduction of Part R of the Building Regulations in December 2022. As such I am minded to recommend its deletion and to address the issues in the supporting text.

Policy 6

This is an excellent policy which is underpinned by the Design Guidelines and Codes (and the associated checklist).

Policy 8

This is a very well-considered and comprehensive policy.

Policy 9

I looked at the proposed Local Green Spaces (LGSs) carefully during the visit.

The policy goes well beyond the matter-of-fact approach towards LGS as set out in paragraph 103 of the NPPF. Was this deliberate?

I understand the final part of the policy. Nevertheless, would it be practicable to implement the approach through the development management process?

Policy 10

This is another good policy. In this case it is underpinned by Views Assessment.

Policy 13

I looked at the identified community facilities carefully during the visit. This is a good policy which usefully relies on Policy DM9 of the adopted Local Plan.

Policy 14

Am I correct to conclude that this policy is offering support to the implementation of the cycle route along the former railway line between Heacham and Burnham Overy (insofar as it is within the neighbourhood area) as proposed in the emerging Local Plan?

Policy 15

The first part of the policy successfully relates the Design Codes and Guides to the Conservation Area.

Is the second part of the policy reasonable given that conservation area legislation requires that development proposals preserve or enhance the character and appearance of such areas?

In any event, should the approach be applied proportionately? Plainly a rear extension of a house will provide limited opportunities to enhance the character or appearance of the Conservation Area.

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan?

For my part it would be helpful to receive the Parish Council's comments on the representations received from the Holkham Estate.

Protocol for responses

I would be grateful for responses and the information requested by 27 June 2023. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

If 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 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

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31 May 2023