



BURNHAM MARKET PARISH COUNCIL

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.

Points for clarification	Qualifying Body Response
<p>Initial Comments</p> <p>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.</p> <p>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.</p>	<p>Appreciate the supportive comments.</p>
<p>Policy 1</p> <p>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?</p> <p>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?</p> <p>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)?</p>	<p>The 90% figure is not intended to be too restrictive but is used since it is addressing the suggested conclusions in the Local Housing Needs Assessment for the parish and further explanation in Para 49. The wording in paragraph 2 says 'should' which we believe allows the policy to not be as restrictive than if we would have used the wording 'must'.</p> <p>Having the word 'should' gives some flexibility, as stated further in paragraph 2, since if evidence is provided to show there is no longer a need of properties for 3 beds or less in the parish or the scheme is unviable then development of a larger nature could be considered if this is needed for say larger/growing families.</p> <p>The requirement is that conversions and self builds should aim to deliver the local housing need of smaller bedrooms (90%) too, unless where justified, that they need to provide above 3 beds due to personal circumstances such as a growing family or needing to support family members for care reasons etc.</p>



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	<p>Policy 1 is intended to apply to all development proposals except where justified conversions and self builds no matter the size. Proposals of four or five beds wouldn't be supported in line with the housing needs assessment and community feedback due to concern that there is already a large proportion of larger dwellings in the area which value at an unaffordable price for the majority of local people or median wages.</p>
<p>Policy 2</p> <p>Is the second part of the policy supporting text rather than a land use policy?</p>	<p>No, the local eligibility criteria sets detailed requirements for First Homes in the area which is something the GOV First Homes Guidance allows NP groups to do.</p> <p>The detail is in the policy to support the compromised affordable housing list above and particularly the 25% First Homes if these are delivered in the parish moving forward. Accept reference to first homes in the policy could be made clearer since at the moment this is only stated in supporting text paragraph 57.</p>
<p>Policy 3</p> <p>The first part of the policy has been well-considered and is underpinned by appropriate evidence.</p> <p>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?</p> <p>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?</p> <p>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?</p>	<p>Welcome the comments on the first part of the policy.</p> <p>Note the comments on the second part of the policy sounding like supporting text. However, the detail is there to address what proof would be expected for monitoring the condition. Maybe the second part of the policy can be placed in a footnote following on from the first part? So, this detail is not ignored/potentially overlooked in supporting text?</p> <p>The purpose of writing 'normally' was more so the language of the policy was not being deemed as negative. However, the change of use from C3 dwellings to furnished holiday lets is something that the NP would not like to see anymore of due to impacts already addressed in the evidence. So, taking the word 'normally' out would be best moving forward.</p> <p>Considering the last question, yes, I believe that any new dwellings that would be constructed from when the plan is made (if successful) should already be addressed/controlled through a condition in the first part of the policy. However, it was originally stated again in the last part of the policy since this paragraph was specifically addressing FHL and the first part second homes. Nevertheless, one of the concerns of this policy is to limit and address the rise in FHL in the area and would welcome any recommendation or modification to the wording which can address these issues in a reasonable manner.</p>



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<p>Policy 4</p> <p>Is criterion c (on scale and height) reasonable? Does 'scale' mean footprint or floorspace?</p> <p>Is d) necessary as a replacement dwelling is inherently proposed on a one-for-one basis?</p> <p>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.</p> <p>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?</p> <p>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?</p>	<p>The purpose of this Policy is to help promote the availability of smaller homes in Burnham Market and address the issue of small properties being replaced with substantially larger dwellings or more dwellings at an unacceptably high density. This policy is intended to help address local concerns.</p> <p>For criterion c, scale refers to footprint.</p> <p>Criterion D felt necessary to add to address the concerns that some replacement dwellings have been of a substantially larger size. However, also some dwellings have been demolished and replaced with a number of other dwellings at a higher density e.g. 1 dwelling replaced with 5 dwellings.</p> <p>With regard to the comments made on criterion E now being superseded we accept this would need to be deleted now from the policy and moved to the supporting text.</p> <p>Regarding the final paragraph of Policy 4 it is a statement that is made in the Policy since moving this in the supporting text makes the consideration weaker/or ultimately there is a fear it could be ignored.</p> <p>Regarding LP04 this is a policy in the emerging local plan review and still subject to an examination so there may be modifications to this policy. Regard has been given to the adopted and emerging local plan policies when working through the development of the plan. Whilst we accept that development or redevelopment will be supported in principle within development boundaries (LP04) this criteria sets out further local detail which development schemes should have regard to if permitted.</p>
<p>Policy 5</p> <p>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?</p> <p>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.</p>	<p>Rereading the penultimate paragraph, it is a statement that is made in the Policy since in the supporting text this makes the consideration weaker/or there is a fear it could be ignored.</p> <p>With regard to the comments made on the final paragraph now being superseded by the introduction of Part R of the Building Regulations we accept this would need to be deleted now from the policy and moved to the supporting text.</p>



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<p>Policy 6</p> <p>This is an excellent policy which is underpinned by the Design Guidelines and Codes (and the associated checklist).</p>	<p>Welcome the comments made.</p>
<p>Policy 8</p> <p>This is a very well-considered and comprehensive policy.</p>	<p>Welcome the comments made.</p>
<p>Policy 9</p> <p>I looked at the proposed Local Green Spaces (LGSs) carefully during the visit.</p> <p>The policy goes well beyond the matter-of-fact approach towards LGS as set out in paragraph 103 of the NPPF. Was this deliberate?</p> <p>I understand the final part of the policy. Nevertheless, would it be practicable to implement the approach through the development management process?</p>	<p>We have given further detail in the policy because LGS are significantly smaller than large swathes of green belt. We have tried to explain our reasoning in the Appendix and this wording has been used in other neighbourhood plans which have passed examination including the Diss & District NP.</p>
<p>Policy 10</p> <p>This is another good policy. In this case it is underpinned by Views Assessment.</p>	<p>Welcome the comments made.</p>
<p>Policy 13</p> <p>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.</p>	<p>Welcome the comments made.</p>
<p>Policy 14</p> <p>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?</p>	<p>Yes, this policy is supportive of proposals which may come forward to improve walking or cycling along the proposed new paths (indicated in green in Figure 39) within the designated NP area.</p> <p>The policy offers support to the implementation along the former railway line, as well as other proposed paths, which have been drawn up for consideration in the development period. Community Action 3 supports Policy 14.</p>
<p>Policy 15</p> <p>The first part of the policy successfully relates the Design Codes and Guides to the Conservation Area.</p>	<p>Welcome the comments made on the first part of the policy.</p> <p>Yes, the approach should be applied proportionately.</p>



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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.

Burnham Market Parish Council engaged Community Collective Planning (CCP) as independent planning experts to follow legislated NDP processes and to ensure the Burnham Market NDP conforms to all statutory requirements in full.

The assessment of housing need conducted for the NDP, reflects both the survey run as part of the statutory consultation process, and the AECOM Housing Needs Assessment (HNA) which was carried out according to established industry protocols. The survey obtained 566 responses representing around 60% of the population of the village.

The Holkham submission is based on only 85 responses which was conducted some time prior to the NDP survey. Currently Burnham Market has a very high proportion of Furnished Holiday Let businesses (FHLs) and Holiday Homes catering to the tourist trade. This is leading to a number of increasingly serious problems as evidenced in the NDP.

The Holkham submission proposes that a mix of accommodation is desirable. However, in Burnham Market there already exists an adequately broad housing mix but what is lacking is affordable rental homes for local residents and workers.

To date, developers have not built affordable properties, unless they are forced to, because it is far more profitable for them to target investor-led FHL and Holiday Home markets which has served to exacerbate the problem.

It is the purpose of the NDP to create policies guided by the evidence in terms of the survey and the AECOM HNA, rather than defer to commercial interests of any landowners or developers.



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Yours sincerely

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