

Burton and Dalby Neighbourhood Development Plan

Parish Council Response to Examiner's Clarification Note

General

Thank you for your comments on the Draft Burton and Dalby Neighbourhood Plan. Your support is very encouraging.

The Parish Council welcomes proposed modification that ensure that the Plan meets the Basic Conditions. Regarding the specific points of clarification raised, the Parish Council provides the following observations:

Policies B&D3, B&D5 and B&D6

The Burton and Dalby Neighbourhood Plan Landscape Appraisal 2018 has provided a comprehensive assessment of the local landscape and helps identify the distinctive qualities of the Parish's three settlements. The Parish Council's intentions for Policies B&D3, B&D5 and B&D6 was to be supportive of those developments that respected the distinctive qualities of each settlement, subject to the other policies of the Draft Plan, while highlighting those forms of development that the Landscape Appraisal identified would be harmful and therefore should be avoided. Perhaps the two parts of Policies B&D3, B&D5 and B&D6 could be separated out to make the distinction clearer.

Policy B&D7

The Parish Council would support modifications that ensure that Policy B&D7 is more clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. Perhaps this could be achieved by removing 'and investment' from paragraph a and deleting criterion biii.

Policy B&D9

As a starting point, our January 2020 Questionnaire Survey sought views on those open spaces that have been protected in the past. In Burton Lazars, all spaces received more than 50% support for Local Green Space designation, except for the paddock between 1 and 3 Lime Street. The remaining spaces were subsequently identified as Local Green Spaces in the Draft Neighbourhood Plan. Although each site had local support, a detailed assessment of each site's suitability for destination using NPPF criteria was undertaken using a proforma and published on the Parish Council's website at <https://www.burtonanddalbypc.org.uk/neighbourhood-plan1.html> The results of that assessment are summarised in Draft Neighbourhood Plan Appendix 1. Copies of the proforma for LGS8, LGS9 and LGS12 are attached. Please note that LGS9 is bisected by a public footpath.

Policy B&D15

The Parish Council would support a modification to the policy so that the final paragraph is deleted and incorporated into the supporting text.

Policy B&D17

The ceiling of six new homes is explained in part by Draft Neighbourhood Plan paragraphs 8.28 to 8.31. When reviewing the responses to our 2020 Questionnaire

Survey from Burton Lazars residents only (see attached), nine respondents to Q45 said that someone in their household expect to need to move within the Parish within the next ten years. Of these, six wanted to live independently. Further, from Q53 we know that six new dwellings would be required.

The first part of Policy B&D17 makes provision to meet this established need, consistent with Local Plan Policy SS3.

The second part of Policy B&D17 broadly reflects NPPF paragraph 80 which provides for isolated homes in the countryside. We can see no reason for preventing these forms of housing development from taking place within the area's rural settlements as well, even though the Local Plan makes no provision for it. Such dwellings are regarded as being in addition to the six dwellings identified by the first part of the policy as they are not subject to design, size and price requirements that target the identified need.

Consequently, the policy could give rise to more than six new homes in total.

Policy B&D24

Use Class E (Commercial, Business and Service) was introduced on 1 September 2020 and covers the former use classes of A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as B1 (Business: including Offices), parts of D1 (non-residential institutions) and D2 (assembly and leisure) and puts them all into one new use class. 'Change of use' can occur within Class E providing considerable business flexibility.

Had the former Class B1 be retained, this would have been included in Policy B&D24 alongside B2 and B8. However, the Parish Council does not consider it appropriate to allow new Class E uses as this could give rise to shops, restaurants, leisure activities in an unsuitable location. This would be contrary to national policies that support the role that town centres play at the heart of local communities.

Representations

Following Regulation 14 consultation on the Pre-Submission Draft Plan, modifications were made to address the issues raised as set out in our Consultation Statement. Few new issues of significance have been raised during Regulation 16 consultation, however the Parish Council would like to comment on the representations from JPG Properties and Melton Borough Council.

JPG Properties

JGP Properties are concerned that part of LGS9 should be removed from the Local Green Space designation. This part of the LGS has been the subject of planning application 21/00834/FUL which was approved on 4 July 2022. The approved location and block plan is attached together with the relevant Planning Committee Report. Please note paragraph 4.5 of that report concerning the encroachment of the new dwelling on the open space. In view of the granting of planning permission, a modification to remove part of the application site (house footprint, hardstanding and access) from the LGS would be supported. This would leave the remainder of LGS9, including a strip to New Road, intact.

Melton Borough Council

Some of these comments were made following Regulation 14 consultation and the Parish Council's response is set out in Appendix 3 of our Consultation Statement. Most comments are 'minor' or 'moderate' in nature but regarding the few remaining 'important' comments, the Parish Council offers the following response:

Page 63 paragraph 8.14

[Government Guidance on First Homes](#) makes it clear that neighbourhood planning groups have the discretion to require a higher minimum discount of either 40% or 50% and set lower price caps if they can demonstrate a need for this. Any local price caps should be determined through the plan-making process with regard to local income levels, related to local house prices and mortgage requirements.

Regrettably, data on local income levels and local house prices is not regularly published (see attached email exchange) and the data that forms the basis for the Melton Borough Council Housing Mix and Affordable Housing Supplementary Planning Document (SPD) (2019) Appendix 7 remains the most up-to-date available. Notwithstanding, the Parish Council would support the modification of Policy B&D17 through the addition of the following note attached to the first sale price of a maximum of £130,000: 'adjusted to take account of changes in house price'.

Policy B&D15

A neighbourhood plan must meet basic conditions if it is to proceed to referendum. In particular, it must be in general conformity with the strategic policies contained in the development plan for the area. The Burton and Dalby Neighbourhood Plan is not required to be in conformity with Supplementary Planning Documents as they do not form part of the development plan for the area.

Policy B&D24

See above comments on Policy B&D24.

Policy B&D9

A detailed assessment of each site's suitability for destination using NPPF criteria was undertaken using a proforma and published on the Parish Council's website at <https://www.burtonanddalbypc.org.uk/neighbourhood-plan1.html>

Policy B&D11

The list of Features of Local Heritage Interest has been compiled for the Parish Council to identify those heritage assets which are of local architectural or historic value. This list has been prepared in accordance with current best practice and includes details of each asset's importance as set out in section 3 of <https://www.burtonanddalbypc.org.uk/uploads/final-parish-of-burton-dalby-local-list-july-19.pdf>