

## Background Paper:

### Schedule of key policy changes to the DM Policies Plan between the 2011 draft (Regulation 25) version and the pre-publication (Regulation 19)<sup>1</sup> version

Policy	Relates to	What has changed	Reason for change
(draft) DM1	Supporting information requirements	Policy deleted and replaced by a new positively worded section “A positive approach to development management” in the introductory text.	Responds to objections that these procedural matters related to the technical adequacy of a planning submission and not the acceptability of development itself - consequently should not be part of policy. Also addresses recommendations from the Planning Officers’ Society Enterprises (POSe) health check on positively worded plans.
(new) DM1	Sustainable development principles	This is a new overarching policy and supplementary text to provide local sustainability criteria and give local expression to the National Planning Policy Framework (NPPF) “presumption in favour of sustainable development”.	Responds to NPPF. Aims to ensure that sustainable development presumption does not result in a pattern of development which compromises Joint Cote Strategy (JCS) objectives, in particular reducing need to travel and car dependency.
DM2	Amenity	Changes to clarify that new development should not compromise working conditions or operational requirements of existing neighbouring uses except where overall sustainable development objectives would clearly outweigh the need to retain a potentially	Responds to objections on the draft. Both the sustainability appraisal (SA) report on the draft plan and the POSe health check questioned use of terms such as “high standard” of amenity and “suitable” external amenity space and suggested that these might be further quantified.

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<sup>1</sup> New Town and Country Planning (Local Planning) (England) Regulations 2012 were published on 19 March and came into effect on 6 April. The consultation draft stage for development plan documents already undertaken (old Regulation 25) is replaced by provisions under new regulation 18. The subsequent “pre-submission” consultation stage on the final draft plan is now covered by the requirement for consultation following plan publication under new Regulation 19. What would have been the “Regulation 27” versions of the DM Policies and Site Allocations plans are, consequently, now referred to as “Regulation 19” versions. One further change is that Proposals Maps will now be called Policies Maps.

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		“bad neighbour” use. Requires residential development to meet indicative minimum internal space standards. Matters such as avoidance of overlooking and overshadowing are given more prominence in policy DM3 and covered further in the council’s emerging design advice note for residential extensions which will supplement policies DM3 and DM12.	
DM3	Design	Various amendments made to policy wording and supplementary text to strengthen, and improve justification for, policy. Clause (f) on form and massing now makes clear that policy extends to extensions and alterations and use of incongruous or overbearing extensions is explicitly discouraged. This responds to Development Management (DM) concern at the lack of an extensions policy. Supplementary text cross-refers to good practice guidance on householder extensions. Merged and reworded green infrastructure and biodiversity section (i) to address issues of concern raised by members. Energy Efficiency and Climate Change clause added to incorporate policy content previously in DM4 and cover policy requirements specific to critical drainage areas.	In response to objections, DM officer comments and resolutions of the Sustainable Development Panel in relation to a strengthened “green design” policy. Enhanced green design requirements in critical drainage areas are justified by findings of the Surface Water Management Plan. Reference to the use of climate change resistant plant species in landscaped areas responds to a recommendation of the SA report on the draft plan.
DM4	Energy efficiency and renewable energy (draft plan); Renewable energy (pre-submission	Energy efficiency issues are now considered within policy DM3: policy DM4 relates solely to renewable energy development. References to Code for Sustainable Homes (CfSH) and BREEAM standards replaced by a requirement	To respond to objections on the draft plan and comments of DM officers and to reflect changes in JCS policy 3 between submission and adoption. Any policy requirement to achieve a particular standard such as CfSH or BREEAM would render the DM

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	draft)	in policy DM3.for development to “achieve the highest practicable standards of energy efficiency”.	Policies Plan out of conformity with the Joint Core Strategy: additionally, adherence to a standard which applies now would not give the necessary flexibility to update those standards should the requirements change in future, or e.g. be absorbed within the Building Regulations.
DM5	Flood risk	Policy redrafted to more clearly set out principles behind sequential and exceptions test procedure and explain application of the former in Norwich with particular reference to the Strategic Flood Risk Assessment (SFRA) and defined city centre regeneration areas. Paving of front gardens section expanded to cover approach to surface treatment generally. Sustainable drainage section amended to add reference to emerging drainage permissions regime.	To respond to objections from the Environment Agency, comments of Norfolk County Council as lead local flood authority and others. Policy context updated in relation to new powers of Norfolk County Council as lead local flood authority and clarify the application of flood policy in relation to those responsibilities. Evidence from the SFRA level 2 study makes clear that development in Flood Zone 2 must be accepted in order to deliver the levels of housing growth required in the Joint Core Strategy.
DM6	Natural Environmental Assets	Redrafted to introduce more explicit presumption in favour of protection of natural areas of national significance and require exceptional justification for loss of assets of regional and local importance (taking account of NPPF sustainable development imperative, JCS priorities and the potential loss of policy protection for some assets in the NPPF). References to geodiversity added in policy and County Geodiversity Sites, rather than previous Regionally Important Geomorphology and Geodiversity Sites (RIGGS) now referenced in supplementary text).	In response to objections from Natural England and others and to compensate for potential dilution in the degree of natural environment protection afforded by the NPPF. Reference to consideration of the impact of incremental development in the Yare Valley Character Area has been added in the supplementary text to address a concern of the Green Party.
DM7	Trees and	No significant change. Minor changes and	In response to Natural England representation, to

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	Development	clarification to the supplementary text to set out anticipated role of Trees and Development SPD, emphasise its proven value as an example of best practice and clarify where CIL would be used in preference to planning obligation agreements in relation to tree planting.	alleviate concerns over alleged over-prescriptive approach to tree protection from another objector (though this is not regarded by officers as the case) and address apparent lack of awareness of SPD and its role. CIL referred to for consistency with policy DM33.
DM8	Open Space	<p>Amendments to include a clearer criterion for the acceptance of loss of recreational open space (only where the benefits to sport from new replacement provision outweigh the loss) and extending to use of any recreational buildings ancillary to the open space.</p> <p>Justification for the loss of open space now requires an assessment to show demonstrable unsuitability and no other reasonably practicable or viable means of retention (rather than just having to show space is "surplus to requirements").</p> <p>Criteria added for the acceptance of proposals for new allotments. Clarification on practical application of Community Infrastructure Levy (CIL ) funding for new neighbourhood open space and approach to be taken in cases where play areas already exist in proximity to the site. New clause on support for neighbourhood green spaces.</p>	In response to concerns of objectors, specifically Sport England (re consistency of draft policy with former PPG17 and now NPPF) and others who felt there was need for policy on provision of new allotments, also that draft policy implied that merely having an existing play area near a development site would excuse developers from making any playspace provision or contribution at all, as this was not the intention of the policy. Consideration of neighbourhood green spaces is a direct response to a new provision in the NPPF.
DM9	The Historic Environment	Policy strengthened in several respects: more explicit presumption of the need to protect and respect the historic environment in general: supplementary text on locally identified assets	In response to concerns of objectors (principally English Heritage) and to compensate for the partial loss of guidance resulting from replacement of PPS5 by the NPPF.

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		now refers to expanded local list and involvement of Norwich Society. (Appendix will include local list and set out our criteria for assessing candidate assets). Clearer explanation of the procedure to be followed in relation to heritage assets which are not previously identified or designated. More importance afforded to the historic environment record: developers now expected to show that proposals with a heritage dimension have taken account of and been informed by the HER rather than it just being referred to in the context of recording threatened assets on it.	
DM10	Telecommunications	Policy renamed “communications infrastructure” to include consideration of broadband, data transfer networks and wi-fi installations as well as phone masts. Section in draft policy on prior approval moved to the supplementary text.	Rebranding to achieve better alignment with the NPPF. Re prior approval, change made in response to objections that the issues around the prior approval process were already adequately covered under the General Permitted Development Order (GPDO), also that the draft supplementary text suggested that some forms of infrastructure not subject to prior approval would be brought within its scope. This was legally unsound.
DM11	Environmental Protection	Amendments to include more detailed (and updated) consideration of ground stability and subsidence, and air and water quality issues - supplementary text expanded with further discussion of subsidence risk issue and expansion of Air Quality Management Area (AQMA). Policies Map now shows former landfill sites: it did not at draft stage. Cross-reference to supporting Environmental Health	In response to concerns of the Environment Agency, and DM officers, input of environmental health officers and others. Additional policy content on air and water quality and noise responds to loss of specific policy coverage formerly in PPG23/PPG24.

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		guidance on air quality and contamination at county level.	
DM12	Residential development principles	Minor changes only: embargo on residential use extended to areas immediately adjoining the Late Night Activity Zone and cases involving the loss of high quality office space (for consistency with DM19 and revised DM23). Supplementary text amended in relation to the lower adopted JCS target affordable housing. Requirement for family housing and flats only applied where this is achievable within the configuration and constraints of the site. Policy allows for higher densities in and around district and local centres and locations of high accessibility	In response to representations and DM officer concerns.
DM13	Flats and HMOs	Policy now applies to larger, rather than all, Houses in Multiple Occupation (HMOs). Amended to make clear that flats and HMOs would not have more generous parking standards than C3 dwellings and that the aim should be to guarantee an acceptable standard of amenity and minimise space devoted to car parking. Embargo on institutional development on allocated housing sites now qualified: their acceptance now depends on not compromising an adequate 5-year housing land supply	In response to representations and DM officer concerns.
DM14	Gypsies and Travellers	Policy largely unchanged: supplementary text updated to refer to new national policy context and more recent local accommodation needs assessment which supersedes JCS/Regional Spatial Strategy (RSS) targets.	To respond to more recent evidence of need and incorporate references to national policy statement on gypsies and travellers.

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DM15	Loss of residential accommodation	Minor changes and clarification: extra exceptions criterion for the acceptance of loss of housing related to delivery of overarching sustainable development objectives in DM1, other criteria now clarified (e.g. to explain what constitutes “a net improvement in the standard of housing” and “a community gain”).	To address representations re potential inflexibility and lack of clarity in draft policy.
DM16	Defined employment areas	Policy redrafted for a degree of additional flexibility, to remove overlap with DM18 and to respond to the emphasis of the NPPF on supporting business generally. Criteria for the acceptance of employment uses outside defined employment areas added. Proposals for employment and other economic development uses in defined employment areas now require specific compliance with DM1, DM18 and DM19. Main town centre uses proposed on employment areas are subject to sequential test thresholds which are now specified within the plan.	To address particular concerns of DM officers, respond to the more permissive pro-business approach of the NPPF and objections concerning lack of flexibility, whilst retaining appropriate level of safeguarding for employment generating uses as required by JCS policy 5
DM17	Small and medium scale business development	Minor changes and addition of criteria for the consideration of new sites specifically for small businesses. Criteria for the loss of small business sites consolidated and clarified. The acceptance of loss of small business premises on the grounds of overriding community benefit now requires the developer to show that such a benefit could not be achieved by locating the use in a more sustainable or accessible location.	To respond to the more permissive pro-business approach of the NPPF and objections that there were no plan provisions allowing for new small business development (specifically in the city centre).

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DM18	Supporting town centres	Minor changes, adding criterion that development should not undermine the overarching sustainable development criteria of policy DM1, extending policy to proposed centres as well as existing, removing reference to PPS4 and adding explicit requirements for sequential site assessment and impact tests and what these must show. Thresholds for scale of development appropriate at each level of the hierarchy and size of development triggering the need for a sequential assessment and impact test now shown explicitly in the plan. More detail in policy, and justification, for restricting major development at Riverside.	Policy reviewed consequent on replacement of PPS4 with NPPF and potentially to compensate for abandonment of “town centres first” stipulation for town centre uses other than retail and leisure flagged in the draft NPPF (final NPPF now confirms that town centre uses will be as previously defined). Detailed changes respond to concerns of objectors that policy was too restrictive and criticising lack of explanation for “anti-PPS4” restriction at Riverside. Also concern from DM officers that although the hierarchy of centres was identified in JCS policy 19, the scale of development appropriate at each level of the hierarchy was not – this will now be addressed in Appendix 5.
DM19	Principles for new office development	Significant rewrite. Order of policy reversed: promotion of new office development now comes first. Office priority area in city centre reduced (and now excludes Riverside). Criteria for acceptance of office development outside the city centre related more explicitly to policy DM18, prioritising the city centre, satisfying a policy preference for locations within and close to centres, not significantly undermining any committed office proposals within the centre or harming prospects for its regeneration. Threshold introduced for the application of this policy to proposals involving the loss of office space (1500 sq.m) – smaller premises would be caught by policy DM17. Tests to be satisfied before offices can be lost now include	To address concerns of DM officers and respond to various objections alleging an over-prescriptive inflexible approach. Had the NPPF no longer regarded offices as a town centre use, it would have been difficult to focus most major office growth within the centre and resist out of centre office proposals. The NPPF now accepts that offices should be a main town centre use. In the absence of strong promotion of offices in the centre there is a risk of a major exodus of the office employment base to out-of-town locations (“hollowing out”) rather than employment being retained in the city in relatively more accessible locations. In relation to the office priority area the draft plan’s definition was clearly too wide: it is unreasonable to expect new development at Riverside to include offices when it is still a



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		overriding benefits for the city centre through the achievement of other JCS policy objectives, also making clear that the loss of offices should not be resisted where the premises are clearly justified as unsuitable or unviable to retain, or where proposal involves the redevelopment of obsolescent offices with new replacement accommodation.	conventional retail park: also the site size threshold in current economic conditions is unrealistic. An indicative size threshold for office protection is needed since without one there would be a conflict with DM17.
DM20	Management of uses in city centre retail area	Policy simplified and rationalised: previous insistence on an specific minimum retail thresholds in defined retail frontages has been replaced with a requirement to retain an indicative minimum proportion of retail use which is “justified as necessary to support the continued retail function of that frontage zone”, specific targets (where necessary) to be set out in SPD to be brought forward concurrently with the DPD.	To respond to a desire for flexibility from many objectors and the business community: reflect ongoing rapid changes in the character and function of parts of the centre and be better aligned to the generally more flexible policy approach in the Joint Core Strategy particularly in relation to the evening economy, speciality shopping and hospitality uses. Policy DM20 (alongside SPD) seeks to positively manage and maintain a degree of protection for the central shopping area which is consistent with the emphasis of the NPPF on safeguarding town centres and supporting business.
DM21	Management of uses in district and local centres	Major simplification. General expectation that district centres should maintain an indicative minimum of 60% retail and local centres 50%, alongside a policy of retaining retail floorspace in any anchor convenience store which serves the centre. Community facilities and other beneficial uses supported.	The draft policy, taking an extremely complex and regulatory approach relying on maintaining different proportions of A1 retail use in different centres, would not be sound and would not meet the need for long-term flexibility in the NPPF supplemented by more recent DCLG advice on supporting local parades. Policy needs to recognise the changing function of many local centres which have a number of non retail supporting services such as takeaways and betting shops alongside a larger foodstore for top up shopping, but not necessarily a high

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			<p>proportion of independent or speciality shops.</p> <p>There were late concerns of DM officers re the most appropriate means of recognising the comparative beneficial and harmful impacts of particular non retail uses on local and district centres. These have not been reflected in further changes to policy: additional redrafting may be needed through the Regulation 19 consultation process to respond to these and agree definitive policy wording .</p>
DM22	Provision and enhancement of community facilities	<p>Generally minor changes to clarify that the scale and location of community facilities accepted under this policy should be appropriate to their intended catchment and the centre in which they are proposed and should not necessarily follow a city centre first principle. Community facilities definition refined to include freestanding indoor sport facilities not covered under DM8 but exclude play areas (which are already protected by DM8). Supplementary text expanded to provide more detailed justification and discuss the policy's relationship to emerging provisions of the Localism Act in relation to registering assets of community value. New criteria based policy for schools development not falling under LEA control added.</p>	<p>To respond to objections and DM officer concerns and to address certain anomalies in the draft policy. There were additional late concerns of DM officers re the effectiveness of the policy wording and the scope of the "community use" definition. These have not been reflected in further changes to policy: additional redrafting may be needed through the Regulation 19 consultation process to respond to these and agree definitive policy wording</p>
DM23	Evening and late night economy.	Generally minor changes, including extension of restriction on residential development to sites immediately adjoining the Late Night Activity Zone where the impact of late night	To respond to objections and incorporate discussion of emerging proposals for late night levy and early morning restriction orders. It is expected that practice guidance or SPD would be required to support this

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		noise could not be satisfactorily mitigated by condition (see DM12). More detailed justification and discussion in the supplementary text.	policy and formalise a coordinated approach between planning and licensing in relation to opening hours.
DM24	Hot food takeaways	No significant changes	N/A
DM25	Sustainable development considerations for retail warehousing	Major simplification. DM25 is now a criteria based policy covering removal or variation of conditions on all forms of retail floorspace, requiring compliance with DM18, the sustainable development principles of DM1 and the sequential and impact tests in policy DM18. Particular emphasis on reducing need to travel and dependency on the private car.	In response to objections that the previous highly restrictive draft policy requiring all new retail warehouse development to be in retail warehouse parks was unworkable, contrary to national policy (PPS4) and would not favour such development in locations which were more sustainable and accessible than any of the existing parks. The amended policy seeks to incorporate the flexibility and positivity required in the NPPF while sending a clear signal that retail proposals which have unacceptable impacts on centres or obviously increase car dependency will not be supported.
DM26	Development at the UEA	Generally minor changes and updating of supplementary text re Earlham Hall.	Responding to factual changes and endorsement of Earlham Hall VADD.
DM27	Development at Norwich Airport	Minor but important changes to policy wording ensure any proposals meet sustainable development criteria in policy DM1 and sustainable travel priorities in DM28: significant redrafting of supplementary text to provide a better balance between environmental and economic considerations and to refer to changing policy context, especially emerging National Framework for Sustainable Aviation. Clear emphasis on the need for a masterplan to guide more major proposals for airport expansion.	In response to the concerns of the Green Party and others that the draft policy was too focused on economic growth at the expense of environmental protection and did not deal with sustainable development considerations in the round.

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DM28	Encouraging sustainable travel	Policy now includes a general expectation that proposals should reduce the need to travel consistent with DM1 and will not (so far as is practicable) result in a net increase in travel by car. The core cycling and walking networks are deleted from the policies map (apart from the Riverside Walks) in favour of a generic policy promoting universal accessibility and permeability in development.	To compensate for the potential loss of a strategic policy imperative to reduce car travel in NATS policy 8. The strategic cycle network has now been revised and adopted (and will be implemented) as part of NATS rather than forming part of this plan, enabling more flexibility for review in future. The core walking network was assessed to be of debatable value as a policy tool.
DM29	City centre Public Off-street Car parking	Minor changes to policy to better explain the justification, purpose and operation of the 10,002 space “cap” on city centre public parking. Further discussion added in the supplementary text on the background to the policy approach and circumstances where temporary off-street parking proposals are appropriate.	To respond to impending changes and possible simplification of Norwich Area Transportation Strategy (NATS). Also addresses some objections that the policy was too inflexible and others clearly misunderstanding the purpose of the parking cap.
DM30	Access and highway safety	Minor changes to incorporate policy content relating to off site works and traffic regulation orders secured by planning and highways obligation agreements (previously in old transport contributions policy DM33), also to require that any new access points onto major roads should not compromise the implementation of works necessary in connection with a BRT corridor.	To respond to concerns raised by the Planning Officers Society re BRT, also to align policy with new planning obligations policy DM33.
DM31	Car parking and servicing	Minor changes to incorporate policy content relating to off site facilities (e.g. cycle parking) necessary to implement the policy, whether delivered through CIL or site specific planning obligations (previously in old transport	To align policy with requirements of CIL and planning obligations policy DM33

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		contributions policy DM33).	
DM32	Car free and low car housing	Changes to clarify that car free housing proposals can be accepted in locations of high accessibility, but will not be appropriate outside CPZs where there would be significant impacts on on-street parking or congestion, and to positively encourage such housing where it can contribute to regeneration in district centres.	For additional flexibility, whilst ensuring that car free housing will not result in consequent harmful impacts on congestion and highway safety. Also responds to a late emerging concern over the impacts of car free housing policy on HMOs.
	The Community Infrastructure Levy (CIL)	New section of supporting text to clarify operation of CIL.	To take account of the emerging arrangements for CIL charging and the expected adoption of CIL across the greater Norwich area.
DM34	Planning obligations and viability.	New policy incorporating elements of old DM33 on transport contributions and setting out additional considerations relating to scheme viability.	To respond to concerns of objectors and the business community, to take account of the expected reduced role of site specific planning obligations, to respond to concerns from the Planning Officers Society that the plan had not sufficiently addressed viability issues and to respond to the specific directives on planning obligations and the collective impact of “policy burdens” in the NPPF.