



## SUSTAINABLE DEVELOPMENT PANEL

**9.30am to 12.30pm**

**27 June 2012**

**Present:** Councillors Bremner (chair), Carlo (vice chair), Brociek-Coulton, Grahame, Grenville, Kendrick (substitute for Councillor Sands (M)), Lubbock and Stammers

**Apologies:** Councillor Sands (M)

### **1. DEVELOPMENT MANAGEMENT POLICIES DEVELOPMENT PLAN DOCUMENT (DPD)**

The planning team leader (policy) circulated the following amendment to the recommendations set out in the report:

“Recommendation:

To:

- (1) note the report and the relevant supporting information including:
  - (a) the proposed submission version of the plan comprising plan text and appendices (annex 1) and policies map;
  - (b) the draft sustainability appraisal of the emerging plan and the reasonable alternatives to it; and,
  - (c) the update to the POSe (Planning Officers’ Society) report about the emerging plan;
- (2) endorse the emerging plan and recommend that cabinet approves it, as amended by the changes set out in annex 2 and the associated policies map for pre-submission consultation under Regulation 19 of the Town and Country Planning Regulations 2012.”

The chair in introducing the report said that he would like to take the opportunity to thank the members of the public and organisations who had taken part in the consultation. Many of the comments had been accepted and added to the high

quality of the emerging plan. He also thanked the officers who had worked on the plan and praised the quality of the document.

The planning team leader (policy) then introduced the report. He referred to copies of the policies maps to accompany the development management policies plan being available at the meeting and said that they would be available on the website in due course. He explained the need for the development management policies plan (DMP) to be compliant with policies in the Greater Norwich Development Partnership's (GNDP) joint core strategy (JCS), although its policies were specific to Norwich, and that it also needed to reflect national advice in the National Planning Policy Framework (NPPF). Earlier concerns that the NPPF would change the rules regarding town centre uses did not materialise, and therefore policies giving strong protection to the city centre could now progress. It was intended that the detail of policy DM20 relating to the management of uses in shop frontages could be addressed through a supplementary planning document (SPD) which allowed greater flexibility to respond to changes in the market.

During discussion, the panel agreed to consider each of the policies in turn. The planning team leader (policy), head of planning services and the planner (policy) answered members' questions.

### **DM1**

The panel made no comments on this policy.

### **DM2**

In relation to the requirements of this policy for external amenity space, Councillor Lubbock pointed out that, in order to plan for the future, water butts should be given the same importance as bin storage and cycle parking. She also asked for clarification on the threshold for the size of the development for the policy to apply in critical drainage areas. The planning team leader explained that the JCS sought Code for Sustainable Home Level 4 standards for water efficiency. This was achieved a greater level of water efficiency than the national requirements. Policy DM5 addressed the need for water storage in the critical flood drainage areas of the city to improve surface drainage. Officers noted that the references to the threshold still had to be added to the text under policy DM3.

### **DM3**

Councillor Carlo thanked the planning policy team for their work in incorporating biodiversity in the design principles. She referred to policy clause J) a) and said that she welcomed "planting which is climate change resistant" but also said that it should be stipulated that the planting was "beneficial to biodiversity". Discussion ensued in which it was pointed out that clause I) paragraph c) addressed this point but Councillor Carlo considered that J) a) should be stronger. The panel therefore agreed to recommend to cabinet that after the words "climate change resistant" to add "beneficial to biodiversity".

In response to a suggestion that the policy should do more to encourage the use of recycling materials, members were advised that building regulations covered the use

of materials and that the DPD went as far as it could. The planning team leader (policy) agreed to clarify this in the text.

#### **DM4**

The panel made no comments on this policy.

#### **DM5**

Councillor Lubbock referred to the need to clarify the threshold of the number of housing units in an area of critical flood drainage before measures such as a water butt was required.

During discussion the head of planning services explained that in the areas of critical flood drainage there were separate water drainage efficiency policies to prevent flooding and slow down the surface runoff. Policy DM5 requires that all of these measures should be considered.

#### **DM6**

In response to a suggestion from Councillor Grahame, the planning team leader (policy) said that the GNDP in partnership with Defra (the Department of Environment, Food and Rural Affairs) conducting a pilot to look at biodiversity offsetting. Members were advised that offsetting replaced what had been lost through development.

With reference to the paragraph on "Regional and local sites" the panel was advised that the use of "significant" in the first sentence reflected the terminology used in the NPPF and in the council's Local Plan, and had proven to be a powerful legal definition when considered in court.

#### **DM7**

The planning team leader (policy) explained that the requirement for major developments with a frontage of more than ten metres to provide street trees had been a continuation of the existing policy in the current Local Plan and had been successful in the past. It was intended to update the existing SPD on trees and development to support the policy. CIL (Community Infrastructure Levy) funding could be used for street tree if members agreed this.

#### **DM8**

The planning team leader (policy) explained that the policy was a continuation of a successful policy contained in the Local Plan and that in relation to the protection of the existing open space section the policy could not be proscriptive. He referred to the requirement set out under "Protection of existing open space": clause a) of which stated that development could be accepted where "the proposal would not cause significant harm to the amenity of the biodiversity value of the open space". Judgement would be exercised to assess the significance of any harm on a case by case basis.

Members were advised that child play spaces were calculated from the number of bedrooms of residential units as part of a development. Following discussion members considered that in the fifth paragraph under the heading "Provision of new open spaces", the word "accepted" should be deleted and replaced with "encouraged". Members were advised that allowing for local green spaces to be identified in neighbourhood plans was in line with the provisions of the Localism Act 2011 which promoted such plans.

**DM9**

The panel made no comments on this policy.

**DM10**

In response to a question, the planner referred to clause b) and confirmed that the policy encouraged and accepted installations which could be provided as "a shared facility with existing infrastructure", and that sharing would be the default option.

**DM11**

The panel made no comments on this policy.

**DM12**

The planning team leader (policy) pointed out that conversion of employment premises to housing was covered in the first bullet point of the first paragraph policy, which prevented residential development on land designated for non-residential purposes.

**DM13**

The panel discussed the importance of landlords providing low maintenance landscaping for houses in multiple occupation and considered this was beneficial for the amenity of the area. The duty was on the landlord to maintain the grounds but this could not be achieved through planning legislation. The panel agreed to add the word "attractive" to the second paragraph under "Flats, bedsits and larger houses in multiple occupation (HMOs)" as follows:

"Landscaping schemes should be designed to be low maintenance and attractive; and opportunities should be taken ....."

**DM14**

The panel made no comments on this policy.

**DM15**

The panel made no comments on this policy.

**DM16**

The panel made no comments on this policy.

**DM17**

The panel received an explanation of the policy and that it was intended to provide for cases where a business which had become established in the past but could be harmful to the living conditions of neighbours if retained could be relocated to assist regeneration of an area. The panel was given the example of a Victorian foundry which was no longer suitable in a residential area. The panel was also advised that small retail businesses were likely to be protected by the NPPF and retail policies.

**DM18**

The panel made no comments on the policy.

**DM19**

The panel made no comments on this policy.

**DM20**

The panel made no comments on this policy.

**DM21**

The panel made no comments on this policy.

**DM22**

The panel was advised that former public houses could be used for class A3, A2 or A1 use under permitted planning development rights without the need to apply for planning permission.

The head of planning services advised the panel that the community right to challenge and right to buy was outside planning legislation but would run alongside the development management policies DPD. He advised members that work on this would be carried out in the course of this year as the legislation was introduced.

The panel agreed that after the word "permitted" to insert "and encouraged" in the first sentence, under the heading "Provision and enhancement of community facilities".

**DM23**

The head of planning services explained that there was a change in policy, following consultation with the police, requiring new licensed premises to close at 4am.

**DM24**

The panel made no comments on this policy.

**DM25**

The panel made no comments on this policy.

## **DM 26**

The panel made no comments on this policy.

## **DM27**

During discussion, Councillor Grahame said that the policy for the airport should not take precedence over sustainable development policies DM1 and DM28. This was refuted by some members who pointed out that development of an airport was included in the NPPF and other national policies. The airport was considered an important employer in the city and provided services for business and recreational use. The chair pointed out that under policy DM27, development would be permitted only if it:

“did not conflict with the overall sustainable development criteria set out in policy DM1 or this plan or the requirements of policy DM28 in relation to sustainable travel”.

## **DM28**

In response to a suggestion that the policy should stipulate the use of non-fossil fuel, the head of planning services said that one aim of the policy was to encourage the use of public transport which was predominantly dependent on fossil fuel.

The head of planning services referred members to appendix 4 which provided further requirements relating to parking and travel planning and explained that this made it easier for people to understand and appreciate the council's standards for preparing travel plans. Councillor Carlo pointed out that “travel planning” was different from “travel plans”. She considered that many of the travel plans that she had seen were “feeble”.

The principal planner (transport) explained changes to the approach for travel planning and said that the county council were introducing a two-tier system where larger organisations/developments paid an annual monitoring fee for its travel plan which would be monitored by an officer at the county council; for smaller developments there would be a travel information plan which would be a simplified version setting out for a particular development what opportunities existed to make use of sustainable transport.

## **DM29**

The principal planner (transport) explained how the level of car parking provision in the city centre had been calculated in the mid 1990s to support relevant policies in the Norwich Area Transportation Strategy (NATS) and the 2004 Local Plan. The policy “cap” of 10,002 spaces had worked well and would be proportionally less as the city's growth progressed.

In response to questions the principal planner (transport) explained that no off-street car parking was permitted if the 10,000 space cap would be exceeded and that surface parking could be allowed on temporary sites but the quality of provision

should be better than it has been. Members also noted that usage of park and ride had fallen in recent years but considered that there were other reasons that could be attributed to this other than the number of car parking spaces available in the city.

The panel agreed the following amendment to the wording of the policy as proposed by the principal planner (transport) because there was concern that a minimum 500 car parking space requirement for new multi-storey car parks might not always be achievable:

“delete clause b) and replace with:

- b) provides efficient, high capacity parking (generally this will require in the region of 500 car parking spaces minimum, unless a lower capacity can be justified by the configuration, design constraints and location of the site.”

### **DM30**

The panel discussed whether it would be useful to include the council's aspiration for a 20mph speed limit in all residential areas in the policy. The principal planner (transport) said that the county council's design manual for roads on new estates had designed roads to limit speed. Not everything could be achieved by design as it was necessary on major routes to avoid tight bends so that buses could access them. Members were advised that a 20mph speed limit was to ensure that the road could be used by all road users, including pedestrians and cyclists and it was not necessary to designate space for cyclists when designing new roads through residential areas.

The panel agreed to endorse the insertion of “include measures to limit to speeds to 20mph” to the end of the first paragraph under the heading “Access and highway safety”.

### **DM31**

The panel was advised that the car parking and servicing standards for commercial development in Norwich as set out in appendix 4 were already more rigorous than both previous national policy and the standards in use by the county council. However if on site parking standards were too restrictive and on street parking in the area was not controlled by CPZ, problems of on street parking and congestion would inevitably arise..

### **DM32**

The planning team leader (policy) confirmed that sites for car free or low car housing in the site allocations plan were mostly in the city centre. The principal planner (transport) confirmed that the housing currently under construction at Exeter Street, just off Dereham Road (just outside the city centre) would be car free.

### DM33

The head of planning services explained that viability of CIL had been independently assessed. When the viability of development was shown to be significantly affected by planning obligations, the level of planning gain could be reduced in accordance with the council's approved prioritisation framework. This in general now meant that affordable housing provision was the element of planning gain most likely to be reduced in these circumstances. CIL was a tax on particular types of development and needed to be factored into development costs.

The head of planning services explained that the policies map would be amended if the recommendations of the sustainable development panel in relation to the Bartram Mowers site on Bluebell Road and the amendment to the King Street Stores and sports hall site were accepted by cabinet. He confirmed that the policies map would be available electronically and would be easier to read, but there could be technical and cost implications in producing the city centre inset plan at a larger scale.

#### **RESOLVED to:**

- (1) note the report and the relevant supporting information including:
  - (a) the proposed submission version of the plan comprising plan text and appendices (annex 1) and policies map;
  - (b) the draft sustainability appraisal of the emerging plan and the reasonable alternatives to it; and,
  - (c) the update to the POSe (Planning Officer's Society) report about the emerging plan;
- (2) endorse the emerging plan and recommend that cabinet approves it, as amended by the changes set out in annex 2 and the associated policies map for pre-submission consultation under Regulation 19 of the Town and County Planning Regulations 2012 and subject to the following amendments:
  - (a) DM3 – to insert "beneficial to biodiversity" to the paragraph J) a);
  - (b) DM3 – clarification of threshold;
  - (c) DM3 – insertion of additional text with regard to recycling materials;
  - (d) DM5 – clarification of threshold;
  - (e) DM7 – fifth paragraph under the heading "Provision of new open spaces", fifth paragraph, delete "accepted" and replace with "encouraged";



- (f) DM13 – second paragraph under the heading “Flats, bedsits and larger houses in multiple occupation” insert “and attractive” to follow “low maintenance”;
- (g) DM22 – under the heading “Provision and enhancement of community facilities” to insert “and encouraged” to follow “permitted”;
- (h) DM29 – deleted clause b) and replace it with:
  - “b) provides efficient, high capacity parking (generally this will require in the region of 500 car parking spaces minimum, unless a lower capacity can be justified by the configuration, design constraints and location of the site.”
- (i) DM30 – first paragraph, under the heading “Access and highway safety” to insert “include measures to limit to speeds of 20mph”;

CHAIR