

Report for Information

Report to	Sustainable Development Panel 29 June 2011
Report of	Head of Planning
Subject	Development Management Policies DPD – Feedback from Regulation 25 Consultation and Next Stages

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Purpose

This report updates members on progress made in preparing the Development Management Policies Plan for Norwich. This plan is a Development Plan Document (DPD) which will form an integral part of the statutory development plan for the city, alongside the adopted Joint Core Strategy and other planning policy documents in the Local Development Framework.

The document contains a suite of locally specific planning policies to manage development and change in Norwich. Its policies must be consistent with the advice contained in national planning policy and must accord with the strategic policies in the adopted Joint Core Strategy for greater Norwich.

The Development Management Policies Plan was published as a draft for consultation in January 2011 for a period of eight weeks (known as the “Regulation 25” public consultation). The draft policies attracted a wide range of comment from members of the public, developers, interest groups and other stakeholders. This report summarises the response to the consultation, sets out the main issues arising and the changes likely to be necessary to the policies and plan content to address objections. The changes proposed here will form the basis for a final redraft of the document which will be published for further consultation on its overall soundness (the “Regulation 27” consultation) prior to submitting it to the Secretary of State for formal examination in 2012.

Recommendations

The Sustainable Development Panel is asked to consider the response to the consultation draft of the Development Management Policies Plan, to comment on the scope of the changes proposed and to endorse these changes as a basis for taking forward work to produce the Regulation 27 draft version of the document.

Financial Consequences

The financial consequences of this report and the subsequent work programme for the Development Management Policies DPD are covered by the LDF budget.

Risk Assessment

1. The Joint Core Strategy (JCS) was formally adopted by Norwich City, Broadland District and South Norfolk Councils on 24 March 2011. A statutory challenge to the JCS was lodged on 4 May. The challenge is concerned with the process followed in appraising reasonable alternative options for growth to the northeast of Norwich, including the Northern Distributor Road. The issues around the challenge relate mainly to development in Broadland and do not in themselves have a direct bearing on the policy content of this document. However, in the event that the challenge succeeds and the JCS is quashed either in whole or in part, the strategic policy basis of planning in greater Norwich will have to be fundamentally reviewed. Because this Development Management Policies Plan is directly dependent on having a Core Strategy as its “parent” document, the plan could not be progressed and adopted unless and until such a strategic review is complete. In these circumstances there would be inevitable (and potentially costly) delays in reviewing, preparing and consulting on revised versions of the policies in this plan and other documents directly dependent on the JCS. .
2. The draft policies and alternative options were provided to consultants for sustainability appraisal and appropriate assessment. The appraisal reports were published alongside the draft plan. Although there were no comments on the reports, the challenge to the JCS confirms that assessing alternative policy approaches for their sustainability impacts (and ensuring that this assessment is carried out thoroughly and transparently) is a critical part of the plan-making process. To this end, further work will be necessary to ensure that the favoured policy approach is sound and the process of sustainability appraisal is thorough and systematic. At present it is expected that the costs of this can be met from within existing budgets.
3. The government’s emerging Localism Bill (set to be enacted at the end of 2011) seeks to shift power to the local community and remove barriers to growth. It makes provision for a new tier of neighbourhood plans as part of the development plan. The emerging neighbourhood plan regime may result in changes in the way that plans must be produced and changes to the detail that should be included within local policies. The process of producing this plan and its policies may therefore need to be reviewed in response to the Bill.
4. The government has set out its intention to fundamentally reform and streamline national planning policy, replacing the present suite of national policy statements and guidance with a simplified national planning framework covering all forms of development. The framework will set out national economic, social and environmental priorities and how they interrelate. A consultation draft of the new framework is due in late July 2011 but it is unlikely to be adopted for several months after that. Standing government advice is that local planning policies should be consistent with national policy but should not repeat it. It would be necessary to remove policies from this plan if the detail within them was covered within the new national policy framework. However, a greatly simplified national framework is more likely to result in the need for additional development management policies within this document (or more detail in existing ones) to compensate for the loss of more detailed national policy coverage which is considered to be relevant to and appropriate for Norwich. Dependent on the timing of its release and eventual adoption, the new national framework may therefore have workload and cost implications for the production of this document if further reviews are necessary. .

Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority “Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future”, and the service priority to deliver and implement the local development framework for Norwich.

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Background Documents

Representations received on the Development Management Policies DPD Draft for Consultation Jan 2011. These are available to inspect on request. Please contact Officers to arrange access.

Other relevant Information available:

Draft DM Policies Plan documentation

Development Management Policies Plan (Regulation 25 draft for consultation)

http://www.norwich.gov.uk/internet_docs/docs/Consultations/Devpt_management_policies_plan/Draft_DM_Policies_doc_Jan11.pdf

Development Management Policies Plan contents page

http://www.norwich.gov.uk/internet_docs/docs/Consultations/DM_policies_plan_contents_page.pdf

Sustainability Appraisal report

http://www.norwich.gov.uk/intranet_docs/A-Z/Planning%20Policy/Development_management_policies/DM_policies_SA.pdf

Appropriate Assessment Report

http://www.norwich.gov.uk/intranet_docs/A-Z/Planning%20Policy/Development_management_policies/DM_appropriate_assessment_Dec_2010.pdf

Proposals maps

Available to view via the links on this webpage

http://www.norwich.gov.uk/site_files/pages/City_Council_Consultations_Closed_Consultations_2011_Development_management_policies_development_plan.html

Development Management Policies DPD – Feedback from Regulation 25 Consultation and Next Stages

1. The Development Management Policies Development Plan Document (known as the *DM Policies Plan*) is one of a portfolio of planning documents making up the statutory Local Development Framework (LDF) for Norwich. It sets out a suite of planning policies which will be used in assessing and determining all planning applications for development across the city. The DM Policies Plan is being prepared alongside the Site Allocations Plan which contains more detailed proposals for individual sites. Once adopted, these two documents will replace the present local plan (*City of Norwich Replacement Local Plan 2004*). The DM Policies Plan will provide locally specific policies for use in development management decisions to supplement national policy and the Joint Core Strategy. The document is intended to cover the period to 2026.
2. The DM Policies Plan is only one part of the LDF and must be read in conjunction with other documents within it. Its policies must conform with, but not repeat, national policy and guidance and should also accord with the strategic policies in the adopted Joint Core Strategy for greater Norwich. The role of the DM policies DPD is to explain how these higher level policies will be applied at a local level and to provide more detailed planning policies appropriate to Norwich, setting out the circumstances in which development proposals will or will not be permitted. References are provided for each policy which direct the user to other policies, documents and technical evidence studies which may also be relevant in the consideration of planning applications.
3. Members should appreciate that the DM Policies Plan is a technical document with a particular legal status and function. Like the present local plan, its policies will be used to guide officers and members in the consideration and determination of planning applications for new development or change of use and will provide a context for any informal advice to prospective applicants. The plan cannot bring forward policies to address matters dealt with through other statutory powers such as licensing, traffic regulation, health and safety and pollution control although its policies should appropriately reflect and join up with these other regulatory regimes. It can only contain policies directly related to spatial planning which can be implemented through the council's statutory powers as local planning authority.
4. The plan does not simply set out a series of general policy aims and aspirations for the council, but has to give clear, detailed and unambiguous advice about what forms of development will and will not be given planning permission (and why). Policies must be expressed in terms which can withstand professional and legal scrutiny when the plan is formally examined, and (after it is adopted) when refusals of permission are challenged on appeal. That means that the plan must use a certain amount of technical planning terminology, although the explanatory material in the supporting text

5. Work on the DM Policies Plan commenced in January 2010. Following internal discussion with other areas of the planning service and other services within the council, a first draft version of the plan was prepared and submitted to the LDF Working Party (the predecessor of this Panel) for consideration in November 2010. After further changes, the council's Cabinet approved the final draft in January 2011 and authorised its publication for formal public consultation for a period of eight weeks. This first round of consultation on the draft plan is called the "Regulation 25" consultation. Around 1400 separate organisations and individuals were consulted by letter and email and the exercise was supported by a permanent exhibition, two all-day consultation events at the Forum and a number of individual presentations to councillors, residents, local interest groups, and other stakeholders.
6. The draft plan contained 33 policies around the broad themes of the Joint Core Strategy, covering issues related to:
 - Housing
 - Environment and design
 - Communities and culture
 - The Economy
 - Transport

Supplementary text was provided for each policy giving further detail and clarification. The plan also highlighted the need for a specific development management policy on planning obligations which could only be drafted once the proposed mechanisms for infrastructure charging and developer funding through the emerging Community Infrastructure Levy (CIL) regime had become clearer. The new CIL regulations and ongoing work on developing a charging schedule across Greater Norwich will now allow such a detailed policy to be drafted

7. The Regulation 25 consultation attracted a moderate response, with a total of 66 respondents making objections, comments or suggestions for change. There were 242 individual representations on the plan in total. Comments were made on a wide range of issues and reflected a broad spectrum of views. Developers and their representatives argued (among other things) for more generous parking standards and the acceptance of temporary parking on development sites, less rigorous protection of office space, a more flexible approach to the acceptance of other uses on employment land and a more positive and flexible approach to the location of new retail development. Conversely, green interest groups saw scope for much tighter restrictions on car parking and motorised vehicle movement, greater promotion of walking and cycling, stricter controls on the impact of large retail operators (particularly in local centres), higher standards of sustainable construction and affordable housing and more stringent protection of open space.
8. There was a common theme in responses from planning consultants that the draft policies contained material which was already covered adequately in

9. Consideration of the responses received and resultant changes recommended to individual policies are included in Appendix 1 and summarised in the table below. A comprehensive schedule summarising all representations made and a recommended response to them will be made available prior to consideration of the detail of any revised policies.

Policy	Recommendation
DM1: Planning Statements	Delete policy
DM2: Amenity	Minor changes
DM3: Design principles	Minor changes
DM4: Energy	Minor changes, remove duplication with JCS
DM5: Water	Redraft section on SuDS to incorporate work on surface water management. Need for further discussion with EA.
DM6: Environmental assets	Some redrafting, include reference to geodiversity
DM7: Trees and development	Minor changes, explain role of SPD
DM8: Open space	Minor changes to strengthen policy
DM9: The historic environment	Clarification re non-identified assets
DM10: Telecommunications	Minor changes, delete prior approval section
DM11: Environmental protection	Minor changes
DM12: Principles for all residential development	Minor changes: update JCS affordable housing targets in text
DM13: Flats, HMOs and residential institutions	Minor changes and clarification
DM14: Gypsies, Travellers and Travelling Showpeople	No change

DM15: Loss of residential accommodation	No change
DM16: Defined employment areas	Minor changes re town centre uses, consider approach on existing nonconforming retail uses
DM17: Protection of small/medium scale business sites	Minor changes to clarify where community uses are acceptable.
DM18: Town centre uses	Minor changes: more detail in text re restriction of development at Riverside and clarification on need for impact tests
DM19: Offices	Minor changes re criteria for accepting loss of office space ¹
DM20: Primary and secondary retail areas/large district centres	Changes to detailed area definitions and thresholds
DM21: District and local retail centres	Changes to detailed area definitions and thresholds
DM22: Community facilities	Minor changes to improve consistency with PPS4
DM23: Evening, leisure and the late night economy	Minor changes
DM24: Hot food takeaways	Minor changes
DM25: Retail warehouses	Minor change,
DM26: University of East Anglia	Minor changes
DM27: Norwich airport	No change
DM28: Encouraging sustainable travel	Refocus with emphasis on permeability.
DM29: City centre public off-street car parking	Minor change
DM30: Access and highway safety	Minor change

¹ Policy DM19 (and to a lesser extent DM16 and DM17) may need to be reviewed if draft changes to the General Permitted Development Order are implemented which would remove the need for planning permission to change office premises to residential use.

DM31: Car parking and servicing	Minor change
DM32: Car free or low car housing	Minor change: clarify that policy will apply to flats and HMOs
DM33: Transport contributions	Redraft to update references to CIL
Potential new policies	
Additional strategic transport policies to compensate for loss of policy coverage in NATS (requested by Norfolk County Council).	Strategic policies inappropriate for this document: consider amended detail in individual policies
Planning obligations policy	New detailed policy to be drafted

10. Members are asked to consider the officers' conclusions and broad recommendations for changes to individual policies and to endorse these as a basis for further detailed work on the plan.

Next stages

11. Further detailed work will be carried out over the summer to prepare the next (Regulation 27) version of the plan including further negotiation with other service areas within the council and with statutory consultees. This will also involve focused changes to the Proposals Map. The timetable for this work will depend largely on whether any major changes to the plan are necessary in response to the draft National Planning Policy Framework (NPPF) due to be issued at the end of July. The findings of the sustainability appraisal will also be used to inform these changes where necessary.
12. A further sustainability appraisal of the draft revised policies will need to be undertaken. This must be an independent and iterative process and (as noted in the risk assessment above) the sustainability impacts may need to be assessed in greater detail to ensure that the process is robust and transparent. The appraisal can be undertaken either by retained consultants or officers within the council who have had no direct involvement in plan preparation.
13. There will be a need for further evidence gathering and preparation of background documents to inform particular policy development and support the submission version of the plan; including:
- a) Technical background document on open space provision and needs, supporting policy DM8
 - b) Technical background document on gypsies and travellers, supporting policy DM14
 - c) Background topic papers on housing and employment providing further

detailed justification for the policy approach in these areas;

14. The revised draft DM Policies Plan, alongside the final sustainability appraisal report, will be taken back to this panel and authorisation will be sought from Cabinet for publication as a submission document (the Regulation 27 version). This is currently expected during the autumn, but the precise date will depend on the timing of a decision on the statutory challenge to the Joint Core Strategy – which in turn will have a direct bearing on whether work on this plan in its current form can continue. On the assumption that this timetable is followed, there will then be another chance to comment before the draft document is submitted to the Secretary of State for public examination; however comments can only be made at this next consultation stage on the soundness and legal compliance of the document i.e. whether the appropriate procedures were followed and whether all necessary issues have been taken into account.
15. An independent public examination will then take place after the document has been submitted to the Secretary of State. If the document is found sound, the Council will formally adopt it as a development plan document which forms part of the Local Development Framework. This is expected to be late 2012 or early 2013.

16. A summary of the current timetable is as follows:

Further evidence gathering and preparation of revised document		June – September 2011
Sustainability appraisal of policies and further changes		September – October 2011
Pre-submission consultation (Regulation 27)	Opportunity for public comments on the soundness of the proposed submission document	December 2011 – February 2012
Submission	Submission to the Secretary of State and independent public examination	Spring 2012
Adoption	The council adopts the Development Management Policies Plan	Late 2012 or early 2013

17. It should be noted that there is a need for a further round of public consultation on 12 additional and amended sites suggested for inclusion in the Site Allocations Plan. This is programmed for September-October 2011. The policy changes recommended for the DM Policies plan are, however, not considered to be sufficiently major to warrant further consultation in advance

of the Regulation 27 consultation on the pre-submission draft document.

18. Although it would be possible to carry out formal consultation on the DM policies plan in advance of the Site Allocations Plan, the uncertainties over the timing of a judgement on the statutory challenge to the Joint Core Strategy mean that it would be prudent to delay the timetable so that formal pre-submission consultation on both plans takes place simultaneously in December 2011. This will also result in cost savings from programming a joint (or sequential) public examination rather than consulting on and examining each document individually.

APPENDIX 1

Assessment of response to Regulation 25 public consultation on the draft Development Management Policies Plan, January–March 2011.

Introduction

1. This paper supplements the report to the Sustainable Development Panel on 29 June 2011. It provides a more detailed assessment of the response to Norwich City Council's consultation on the draft Development Management Policies Development Plan Document (referred to here for ease of reference as the *DM Policies Plan*) which took place between 27 January and 24 March 2011. The consultation was undertaken as a joint exercise with a second round of public consultation on the Site Allocations Plan.
2. It was not considered necessary to carry out a prior stage of consultation on issues and options for the DM Policies Plan, since its content and scope are already set by higher level strategic policies in the Joint Core Strategy (JCS) for Greater Norwich. The JCS has already been through extensive public consultation and an independent examination (in November-December 2010). The JCS was adopted as part of the development plan for Norwich on 24 March 2011, coincident with the end of this consultation.
3. Public consultation on the draft DM Policies Plan (called the Regulation 25 consultation) is the first main stage of public involvement in the production of this key document within the emerging Local Development Framework (LDF) for Norwich. The DM Policies Plan will provide a suite of detailed policies for use in the consideration and determination of planning applications for development and change of use. Alongside the Site Allocations Plan (which contains site-specific proposals for major change sites), this plan will provide the detailed local context to manage development and change in the city until 2026. Once adopted, these two documents will become part of the statutory development plan for Norwich and will replace the present Local Plan (City of Norwich Replacement Local Plan 2004).

Level of Response

4. 66 separate representations from organisations, developer representatives private individuals and interest groups were received to the draft DM Policies Plan within the eight-week consultation period. These representations included a total of 242 separate responses to individual policies and plan content. Of these, 22 offered unconditional support, 78 were substantive objections, and 144 made detailed comments or suggested changes.

Scope of proposed changes

5. The following section summarises the issues raised during the Regulation 25 consultation on the DM Policies Plan. A summary of issues raised is listed against each of the individual draft policies, followed by a recommendation representing an agreed officer view of changes likely to be necessary to address and resolve objections and respond to detailed comments received. Further changes will also be necessary to take account of changes in planning circumstances since the draft policies were written (for example, changes in the parent policies within the Joint Core Strategy between examination and adoption, newly issued government advice or proposed changes to site-specific proposals within the Site Allocations Plan).
6. The officer recommendation briefly discusses the reasoning for the changes proposed (if any). Any changes taken forward for the submission version of the plan would need to improve the overall soundness and effectiveness of the document and will hopefully reduce the number of outstanding objections to the plan which have to be considered at the public examination.
7. At this stage no suggestions for detailed wording changes are being put forward. Rather, the recommended changes (following agreement by Sustainable Development Panel) will inform the direction of a subsequent detailed review of the plan content for the pre-submission (Regulation 27) consultation version. This revised document will be brought back to a future meeting of the Panel for consideration. Following this, authorisation will be sought from the council's Cabinet to proceed with formal Regulation 27 consultation to invite comments on the soundness of the document.

Recommendations on changes to the plan

Generic changes and updates for factual accuracy and internal consistency

8. As noted above, the DM Policies Plan will require general review and updating in addition to the specific changes to policies listed below.
9. The supplementary text will require updates to reflect changes to the Joint Core Strategy between examination and adoption (e.g. revised affordable housing requirement and targets within Policy 4). The outcome of the statutory challenge to the JCS will have to be recorded although it is acknowledged that a successful challenge will have more significant implications for the consultation and production timetable for the this and other development plan documents, which would inevitably need to be delayed pending a review of the overall strategy for growth in the JCS.
10. The supporting text will need to include discussion of the new arrangements and mechanisms for infrastructure charging and developer contributions under the Community Infrastructure Levy (CIL) to be applied in Greater Norwich. This will inform the content of a new planning

obligations policy. It will also be important to consider the implications of government consultation on changes to the General Permitted Development Order which may remove the need for planning permission for certain forms of development.

11. Ongoing review and reassessment of the plan content will be necessary to respond to various government consultations and advice emerging since the Regulation 25 consultation version of the DM Policies Plan was published. So long as this emerging advice remains in draft and subject to consultation, it cannot be regarded as a material consideration in the determination of planning applications. Nevertheless, the plan must remain flexible and respond to a rapidly changing national policy context as the government's new planning agenda emerges through the Localism Bill. Immediate concerns include:

- The proposed revised and simplified guidance on planning for gypsies and travellers may have implications for the level of detail necessary in policy DM14,
- The impending National Planning Policy Framework (NPPF) will have wider implications for the level of detail which potentially needs to be included in the policies
- Ministerial advice relating to the intended "presumption in favour of sustainable development" was released in June 2011 in advance of the draft NPPF. Its implications for this plan need to be fully assessed during the review.

12. The text will require certain revisions for stylistic consistency and screening for minor typographical errors and factual changes. To strengthen and improve their effectiveness, the scope for removing unnecessary caveats in particular policy requirements which would lessen their force (*"where possible", "if feasible", "where practicable", etc.*) can be considered and in some cases policies can be redrafted to clarify the particular circumstances in which their requirements can be relaxed. Unless there is a particular justification for a restrictive policy with a negative form of wording, policies have been reviewed to ensure that they are generally expressed positively (*"development will be permitted where..."* rather than *"development will not be permitted unless..."*).

13. Finally it is important to bear in mind that the DM Policies Plan will be used to determine applications for planning *permission* and its policies must therefore be precise about the likelihood of permission being granted to provide both applicants and development management officers with certainty in the decision-making process. To this end it is helpful for policies to specify where various types of development will and will not be *permitted* and various things *required*, rather than saying where things will be "accepted", "considered", "supported" or "encouraged". Some scope has been identified to improve the soundness and effectiveness of certain policies by using "permitted", in preference to other terms, through clearer and more consistent policy wording and removal of ambiguous or confusing terminology.

Recommended Changes to Specific Policies

DM1 Planning Statements

14. Policy DM1 requires planning applications to be supported by adequate information to enable their proper determination.
15. There were several objections to this policy, arguing that it was unnecessary, the need for appropriate supporting information with a submission being already required in the planning regulations and in national and local validation checklists..

Recommendation: It is recommended that policy DM1 is deleted and replaced with a general discussion in the supporting text.

The objectors' points can be accepted. Although this policy was included at the request of development management officers it is not in fact a planning policy. The need for the correct supporting information to enable validation and proper assessment of applications is a procedural matter related to the administration of the planning application process, not a policy to assess the acceptability of the development proposal itself. Validation requirements for applications are set out in national guidance and on the city council's local validation checklist (which is currently being reviewed). If a submitted application does not meet these requirements it should not be accepted as valid in the first place, irrespective of whether the principle of the proposed development is acceptable, and whatever the decision eventually reached on it.

A discussion of the need for adequate supporting information could be added to the supplementary text, possibly in relation to policy DM3 (Design).

DM2 Amenity

16. Policy DM2 seeks to ensure a high standard of amenity (and sufficient internal and external amenity space) both for existing occupiers and the occupiers of new development.
17. Objections included:
- An amendment is requested to state that new development should not be incompatible with, prevent or unreasonably restrict the operation of current authorised uses or activities adjoining the site.
 - Need to make clear that protection of amenity includes safeguarding a high standard of living *and* working conditions for future occupiers.
 - The use of minimum space standards for residential occupiers (as quoted in the supporting text) may be inconsistent with the standards applied by the HCA,

Recommendation: A minor redraft is suggested to include reference to the need to maintain a high standard of living and working conditions for future occupiers.

Protection of the amenity of residents and the operating conditions of established adjoining occupiers is a relevant issue in several situations where “bad neighbour” uses sit alongside or within proposed development sites or larger regeneration areas. The objection issue relates mainly to the impact of development on the Lafarge aggregate rail depot and the protection of a safeguarded minerals railhead extension at Trowse, whose retention raises particular challenges in achieving a satisfactory standard of amenity for future occupiers of the Deal Ground regeneration site, particularly the need to mitigate operational noise, dust and pollutants.

It is recommended that the policy is redrafted to give greater emphasis to the need to avoid conflicting uses being sited next to each other. The policy could state that preventing or unreasonably restricting the operation of existing neighbouring uses should be avoided but this might be caveated to allow exceptions where there would be overriding regeneration benefits from the removal of a bad neighbour use.

A balance is clearly necessary between facilitating business and protecting amenity, and this should be acknowledged in the policy. However, where there are clear and wide-ranging regeneration benefits from development it may be difficult to guarantee unconditional protection to the operating conditions of all existing adjoining users. This should always be a matter for negotiation between the parties concerned to achieve acceptable solutions through planning conditions and appropriate environmental controls.

The suggested minimum space standards for residential development are also proposed to be reviewed in consultation with the council's strategic housing staff, to ensure these are suitable in the Norwich context .

DM3 Design

18. Policy DM3 sets out detailed design principles for all development, supplementing the requirement for a high standard of design in Policy 2 of the Joint Core Strategy.

19. Some (generally minor) points were made:

- Concern from English Heritage that promotion of landmark buildings at gateway sites would result in tall buildings inappropriate to the character of Norwich;
- Need for more emphasis on green infrastructure as an integral part of development (a particular concern of Natural England) and for a recognition of the importance of geodiversity.
- Comment from the police that a specific policy (or SPD) on designing out crime would be beneficial and offering their support in developing such a policy;
- The plan needs a clearer explanation of the relationship between protecting local distinctiveness and fostering innovative design; also need to refer to sense of place and disposition of surrounding uses as part of neighbourhood character
- Higher densities may be appropriate and should be promoted in numerous instances including the city centre and district centres.

- Clarification needed that the policy should apply to all forms of built development including alterations to and extensions of existing buildings). There is some support for including a specific detailed policy on alterations and extensions to existing buildings to give a stronger basis for DM officers to negotiate on and if necessary refuse inappropriate proposals.
- Reference is needed to street furniture and lighting within the design of schemes.

Recommendation: It is recommended that the points raised on alterations and extensions and designing out crime can be addressed by appropriate additions and clarifications to the policy wording and the supporting text, but that completely separate policies covering these issues are unnecessary.

A specific policy on alterations and extensions (HBE17) in the adopted local plan was not saved as the issues were felt to be covered adequately by other generic design policies.

Consideration has been given as to whether a specific policy on alterations and extensions should be reinstated and another on designing out crime should be included in the DM Policies Plan, but standing government advice on development plan documents is to keep their length and detail to the minimum necessary. This is particularly so since Joint Core Strategy policy 2 already gives strong generic advice on the need to achieve high quality design and to design out crime.

It is recommended that aspects of present draft policy DM3 on achieving energy efficiency through good design can be added to this policy. The clauses on green infrastructure and landscaping can be combined. This would give a clearer and stronger focus to promoting energy efficiency and appropriate green infrastructure as an integral part of new development. Natural England have had sight of a potential reworded policy on green infrastructure and support this approach.

The supporting text can also be amended and supplemented in places for clarification.

DM4 Energy Efficiency and Renewable Energy

20. Policy DM4 promotes energy efficiency in new development and sets out criteria for the acceptance of proposals involving renewable energy generation.

21. Objections highlighted:

- unnecessary duplication with JCS policy 3
- possible lack of officer expertise in assessing the technical adequacy of submitted information in energy statements
- reliance on and cross-ref to specific Code for Sustainable Homes (CfSH) levels and BREEAM standards quoted in JCS policy 3 submission version – this would not give flexibility if national standards were updated.

22. DM officers felt that a requirement for *all* development to “maximise” energy efficiency was too onerous and should be qualified by applying a development size threshold, though some felt that the energy efficiency section was adequately covered by adopted JCS policy 3 and could be deleted.

Recommendation: The policy should be redrafted to focus on renewable energy generation.. The section on encouraging energy efficiency in new development can be removed and more detailed criteria on achieving energy efficiency through particular aspects of design can be transferred to other policies.

The clause on energy efficiency can be removed on the basis that the issue is already adequately addressed by Joint Core Strategy policy 3 That policy includes a general obligation for development to achieve a high standard of energy efficiency. The section of policy DM4 seeking energy efficiency through appropriate design, materials, building orientation and construction can be included in the preceding design policy DM3.

The section on renewable energy should be redrafted insofar as it relates to CfSH and BREEAM standards to remove cross-references to JCS policy 3 (which no longer mentions them). A reference to development having to achieve any successor carbon compliance standards which may supersede the currently applicable standards should also be added for flexibility. JCS policy 3 as adopted has been redrafted by the Inspector to remove explicit reference to CfSH and BREEAM. Policy DM4 needs sufficient flexibility to remain fit for purpose in the event that these standards are raised or replaced (and in the expectation that a definition of zero-carbon development will be forthcoming during the currency of the Plan).

DM5 – Flood Risk

23. Policy DM5 covers issues related to flood risk and drainage and requires development to be designed and located to minimise the risk of flooding. These issues are addressed at a national level within Planning Policy Statement 25 (PPS25). PPS25 requires local planning authorities to plan for the majority of development in areas of low flood risk and only allow development exceptionally in areas of highest flood risk.
24. Some of those making representations welcomed the approach of exempting sites identified in the Site Allocations Plan from the PPS25 sequential test (this requires prospective developers to justify flood-vulnerable development in high and moderate flood risk areas on the basis that they have considered and tested alternatives and there are no suitable locations for it which are in areas of lower flood risk).
25. However, many commented that large parts of this policy were unnecessary and duplicated national advice in PPS25.
26. The Environment Agency have several key concerns in relation to

- lack of clarity on the Norwich Strategic Flood Risk Assessment (SFRA) Level 2 study and what its findings mean for the PPS25 sequential test and exception test procedure in the city
- lack of clarity on circumstances/areas where development proposals can be exempted from the PPS25 sequential test requirement
- lack of clear justification in the document for allowing a site search area for sequential test purposes which is smaller than the city boundary (i.e. the city centre, identified regeneration areas or other neighbourhood areas). In normal circumstances PPS25 requires developers to undertake an assessment for potential alternative locations for their proposal using the whole of the local authority as a search area.
- inclusion of proposals map designations prioritising certain types of development where flood risk may be a factor (e.g. office priority area, leisure area, late night activity zone) and not giving a clear explanation of how these areas had been selected
- lack of reference to need for individual site level flood risk assessments, and flood evacuation plans
- need to take account of the vulnerability of development to existing flood risk from surface water runoff as well as ensuring that new development would not add to that risk
- Suggestions for additions to policy clauses on sustainable drainage and front garden paving

27. DM officers suggested deletion of references to “tidal” flooding (as Norwich is not at risk of this): also the requirement for sustainable drainage systems to be incorporated in “all” new development was too onerous and should be subject to a size threshold. The section on paving of front gardens could usefully be redrafted and extended to better explain the intended approach to proposals for impermeable paving in non-residential as well as residential schemes.

28. It should be noted that the procedures for assessment of development proposals in relation to flood risk at a local level are changing.

Recommendation: In view of the detailed concerns of the Environment Agency, **many aspects of policy DM5 can be amended for clarification and to include more explanation in the supporting text of the reasoning behind the policy.** Given the uncertainty around national planning policy it would be inadvisable to delete large parts of policy DM5 and rely on PPS25. It is recommended that the policy content – with appropriate changes for clarification - be retained as generally appropriate to assess development proposals at a local level.

It is recommended that the Environment Agency be involved in further discussion to facilitate this and to clarify their requirements for policy changes. It is important in particular to explain the role of SFRA Level 2 study and the approach to flood risk it imposes for Norwich. The SFRA study requires, for example, that housing development must be accepted in moderate flood risk areas (flood zone 2) in order to deliver the required levels of housing to meet growth targets.

The section on the PPS25 sequential/exception test procedure may not be easily comprehensible to a non-technical audience and could be substantially clarified without major redrafting. There is also scope for amendments and minor additions to other parts of the policy to improve its effectiveness and soundness.

The section on surface water flooding needs to be redrafted to reflect the most recent technical evidence on flood vulnerability and recommendations in the Norwich Surface Water Management Plan. The section on paving of front gardens can also be expanded to give more detail on the approach to proposals for hard surface paving in non-residential development.

The SWMP has identified areas to the north and south-west of the city centre (New Catton and Unthank Road/Avenue Road) which are poorly drained and particularly vulnerable to surface water flooding because of the low soil infiltration capacity of underlying geology. These areas will now be identified on the proposals map and need to be referred to in a revised policy.

A new regime of drainage permissions is being introduced through emerging legislation in the Floods and Water Management Bill, which will change the basis for assessing development proposals for their risk of surface water flooding. Norfolk County Council will be the lead flood authority responsible for considering applications and issuing these drainage permissions, which will run alongside planning permission. It is likely that policy DM5 will need further amendment in response to these changes and the County Council will need to be involved in discussions on any necessary changes to the content and scope of policy DM5 and its supporting text.

DM6 Environmental Assets

29. Policy DM6 seeks to protect natural areas and sites recognised for their environmental quality from inappropriate development.

30. Objections were raised on a number of issues:

- Policy considered unnecessary – it repeats elements of Joint Core Strategy Policy 1 and national policy in PPS9.
- Use of the umbrella term “environmental assets” questioned as the policy excludes consideration of the wider historic environment. “Natural environmental assets” was suggested as an alternative.
- Application of policy needs to be linked to an appropriate citywide evidence base of natural and biodiversity assets
- Site-specific concerns re the apparently inconsistent definition of the Yare Valley Character Area (re Bartram Mowers site and UEA)
- Policy needs a reference to geodiversity assets.
- Natural England had some concerns over the robustness of wording in the supporting text to deliver the protection intended and recommend a cross-reference to PPS9.

Recommendation: The first section on the protection of sites of special scientific interest (SSSIs) is already covered to some extent in PPS9 and Joint Core Strategy Policy 1 and could be replaced by a general presumption in favour of protection of sites of national significance. Further minor changes to the policy are recommended to incorporate a reference to geodiversity assets and make the supporting text more consistent with the policy wording. In relation to the Yare Valley Character Area, no change to the proposals map notation is proposed. It may also be helpful (for the avoidance of doubt) to refer to the need to assess the cumulative impact on the natural environment of a succession of minor extensions and additions where these circumstances apply

Policy DM6 is considered to provide an appropriate local level of guidance to supplement PPS9 and the Joint Core Strategy but could be improved by an explicit reference to geodiversity, as defined in PPS9. The concerns over the definition of the Yare Valley Character Area are noted but are unlikely to be resolvable. It is expected that Bartram Mowers may maintain opposition to the inclusion of their land within it (the issue is also being pursued through a proposal for a potential new development allocation in the Site Allocations Plan, which is to be consulted on alongside a number of other suggested sites).

Although the request from the Green Party is noted, the council cannot currently resource the comprehensive citywide audit of biodiversity assets suggested and will need to rely on the existing JCS evidence base supplemented by work in support of the Open Space Strategy.

DM7 – Trees and Development

31. Policy DM7 is concerned with the protection of existing trees and the requirement for the provision of trees in the public realm as part of new development. It would consolidate and replace a number of related policies on trees and woodlands in the present local plan and would (as now) be supported by further advice in a supplementary planning document (SPD)..
32. There was general support for the approach taken, but some objectors (and council planning officers) felt it could be strengthened by removal of the caveat “Wherever possible/feasible” etc: also developers should be required to provide “at least equivalent” replacement biomass
33. Some objectors were opposed to the apparent intention of the policy to protect trees at any cost; others appeared not to have been aware of the existing Trees and Development SPD and objected to the omission of matters of detail already covered in that document.

Recommendation: Minor additions to policy DM7 are recommended to clarify circumstances in which the loss of trees can be accepted, and to require equivalent replacement biomass value on site. Minor changes may also be needed to the supporting text to clarify the relationship of the policy to SPD. The council's Trees and Development SPD – which has been acclaimed as an example of best practice – is intended to be updated and reissued and will continue to support the parent tree protection policy in this document as it does in the present Local Plan. It is clear that the intention of the policy is not to keep trees at *any* cost but to require their protection and/or replacement and beneficial ongoing management as part of the development process.

DM8 – Open Space

34. Policy DM8 is concerned with the protection of open space and play space and the provision of new areas of open space within development.
35. The open space protection policy attracted a wide range of comment, both from environmental groups and developers.
- The policy was seen as not sufficiently robust and should include an explicit presumption in favour of open space protection
 - Particular concerns were raised (from the Green Party and Sport England) re criteria relating to acceptance of “enabling development” on open space and consistency of the policy with national advice in PPG17.
 - There was some challenge to assumptions around the terms “surplus to requirements”, “substantial harm”, “viable” and “feasible” arguing that any neglected and underused open space can be put to beneficial use with proper management and community involvement.
 - The policy must provide for diversity of open space within new development and more imaginative use of leftover spaces.
 - Developer objections: flexibility required in policy to allow for innovative solutions: open space protection should not amount to a moratorium on development.
 - Concern over wording of policy on childrens playspace – availability of a “well-equipped” play area within 400m should not excuse developers from providing any play facilities on site or contributing to their enhancement elsewhere.
 - There was a need for specific policy re new allotment provision.
 - There was some concern about the accuracy of proposals map designations where development is already permitted on land previously designated as green space.

Recommendation: Generally minor redrafting of policy DM8 is recommended but it needs clarification on issues relating to playspace provision and allotments. The scope and detail of the policy is considered to be robust and to achieve an acceptable balance between facilitating beneficial development and protecting open space assets of value. The policy allows open space which is *clearly* underused or disused to be brought back into

productive use: ideally this should be encouraged but is not always possible or practical.

Whilst open space protection is demonstrably important and supported by national policy and the JCS, it would be unreasonable and impractical to impose blanket protection of every single area of green space at any cost, bearing in mind the economics of managing and maintaining smaller areas of open space and the practicalities of transferring underused land with development value to community ownership at a potential financial loss to the private landowner or public body.

Provisions to be made under the Localism Bill may make such transfers of public sector land easier, but at present the policy must accept that economic considerations must play a part in determining the best use for open space deemed to be surplus. In line with present policy, the loss of open space should be accepted exceptionally where this would result in substantial community benefits from development and enhanced recreational facilities within the site or elsewhere. This can be facilitated through CIL by pooling of green infrastructure and open space contributions, which is not readily achievable under the current s106 regime. Some strengthening of parts of the policy wording and removal of possibly ambiguous terms such as "surplus to requirements" would improve its clarity and effectiveness.

An additional clause in the "Provision of new open space" section is recommended to cover the provision of new allotments. As drafted there is currently a presumption against development of existing allotments but no guidance on proposals for new ones. Further consideration needs to be given to the issue of how such proposals will be assessed. It is appropriate to give explicit encouragement to them provided they are in accessible locations and meet a local need, which would be established through the Open Space Strategy.

It is recommended that the policy clause covering new playspace provision is redrafted to make clear that new playspace demand likely to arise directly from new development must be addressed, and setting out how this can be achieved.

The objector's point on children's playspace provision is accepted in part. As currently worded the playspace provision clause would appear to excuse developers from making *any* on-site provision or playspace contribution if there was a play area of sufficient size and quality nearby. Given that any substantial housing scheme would generate additional playspace demand and put greater pressure on existing facilities it is important to make clear that this should be addressed through appropriate developer contributions through the Community Infrastructure Levy (CIL).

Open space and play SPD (as now) would provide supporting detail to assist in the assessment of need and would contain advice on the various mechanisms available to fund and deliver open space and playspace.

This might be through appropriate new on-site provision by the developer, relocation or consolidation of local play areas within a new larger facility on site (through e.g. land swaps), or a contribution (via CIL or s106) toward land acquisition for community play areas and open space in the wider neighbourhood.

DM9 – Historic Environment

36. Policy DM9 is concerned with preventing inappropriate development which would have an impact on historic sites, buildings and other assets recognised at a national or local level for their heritage significance
37. Developers representatives claimed unnecessary duplication with advice already contained in national policy on the historic environment (PPS5), however some (including English Heritage) felt that since national policy could be diluted, local policy did not give enough protection for a historic city of the significance of Norwich. It had too many caveats which could allow unsympathetic development and should include a presumption that nationally designated assets would be protected. There was also a comment that the section on “non-designated assets” was confusing. It seemed to suggest that heritage assets whose significance was revealed through the development process but had no official status currently would be given more protection than those that were already known about.
38. The Norwich Society and others felt it was important to acknowledge the role of Conservation Area appraisals and the local evidence base (local lists, archaeological appraisals) and this should be brought out more in the DM Policies Plan. It was also important to recognise the Heritage Environment Record as an information source integral to the development management process rather than just something to refer to when heritage assets were under threat.
39. The Norwich Society referred to its current work with the council to expand the local list and requested that this be acknowledged and included as an appendix to the plan..

Recommendation:

Changes to Policy DM9 are recommended to:

- **Add a general reference to the presumption in favour of protecting nationally designated heritage assets**
- **Redraft the section on previously non-identified heritage assets improve its clarity and better explain the level of protection these would be given**
- **Add a requirement for development proposals to show that heritage significance has been taken into account through consulting the Historic Environment Record and the local evidence base.**

Given the possibility that the present detailed advice on the protection of the historic environment in PPS5 may be diluted in the forthcoming national policy framework, it would not be appropriate to delete large parts of policy DM9 at this stage. This being so, it is considered appropriate and necessary to acknowledge the importance of protecting designated heritage assets in the city.

Many of the other comments made are accepted and the changes suggested would strengthen the policy and improve its effectiveness and soundness,

particularly in relation to the approach to heritage assets which have not been formally identified and the role of the Historic Environment Record..

Provided the timetable for completion of an expanded local list is met, **it is recommended that the local list is incorporated as an appendix to this plan, alongside the council's agreed criteria to be used for appraising assets for their local heritage significance.** Consultation on the expanded local list is underway, with the aim of finalising and agreeing a new local list by October 2011.

Any detailed changes proposed would be discussed with English Heritage, other heritage bodies and the council's conservation and urban design staff prior to finalising the policy wording.

DM10 – Telecommunications

40. Policy DM10 deals with proposals for new telecommunications development.

41. There was general support for the policy from the Mobile Operators Association. Other organisations commented on matters of detail including:

- Questioning the assumption that shared sites for multiple telecommunications installations are always preferable: in fact they may have greater visual impact than use of a new, less prominent site
- Need for a more explicit reference to avoiding damage to fabric of heritage assets from installations (English Heritage)
- The *perceived* risk to public health and wellbeing should be a factor in determining the acceptability of proposals (Green Party)

42. In relation to the Prior Approval process, it was pointed out that safeguards re impact are already built into other legislation (the General Permitted Development Order and the operator licensing regime), so there is no need to duplicate these requirements in a planning policy. Parts of the supporting text appeared to imply that the council could exercise planning control over the installation of telecommunications equipment which was permitted development and was not subject to the prior approval process: that was not in fact legally possible.

Recommendation:

With the exception of the section on the prior approval procedure, no significant changes to Policy DM10 are recommended.

Minor changes may be appropriate to allow for circumstances in which it is not desirable to share a site with other telecommunications operators for reasons of visual impact.

Adequate safeguards are in place to protect heritage assets from physical damage from all forms of development both under national policy and in proposed policy DM9 of this plan, so no additional reference to heritage asset protection is considered necessary in the policy.

No change is recommended relating to the public perception of health risk. The supporting text already makes clear that it is not the role of the planning system to pass judgement on health risk or determine health safeguards in relation to telecommunications. *It would be highly inadvisable for the council to take such a stance in a planning policy and to resist telecommunications proposals on the grounds of perceived health risk to the public in the absence of sound technical evidence to support a refusal. The soundness of the plan could be compromised in these circumstances.*

It is proposed to retain the reference to the prior approval procedure but to move it into the supporting text. It is accepted that adequate safeguards exist in the GPDO and other legislative regimes to control the impact of minor telecommunications development; also that the prior approval procedure relates to an administrative process rather than to the acceptability of development per se.

DM11 – Environmental Protection

43. Policy DM11 relates to a number of issues relating to environmental protection including the need to address risks from hazardous installations, subsidence and contamination.

44. There were three general areas of concern:

- More detail was requested in the policy itself, particularly in relation to air pollution and the definition of air quality management areas, in view of the potential dilution of national planning policy on pollution control (PPS23).
- A particular landowner felt the policy needed to take account of the existence of Environmental Permits and Local Authority Pollution Prevention and Control permits to ensure existing facilities subject to these controls would not be prejudiced by inappropriate development.
- Concern that the plan does not properly reflect the coverage of areas in Norwich at risk of subsidence and there should be a comprehensive survey and evidence base to identify these more reliably.

45. In addition the retention of Bishop Bridge Road gasholders as notifiable installations was queried and there was some confusion over the meaning and use of the Health and Safety Executive consultation zones as set out in the Appendix.

Recommendation: No major change to Policy DM11 is recommended.

Consideration has been given to including explicit recognition of pollution issues in the policy but so long as Planning Policy Statement 23 (Planning and Pollution Control) remains in place this may be unnecessary. Insofar as the various environmental and pollution control permits operate under a separate legislative regime, it is not appropriate to make reference to them in policy DM11, but additional detail could be added in the supporting text. Air quality management areas and controls over noise pollution are already referred to in the supporting text in the context of PPS23 (Planning and

Pollution Control) and PPS24 (Planning and Noise). As is the case with many other policy areas, the need for additional local policy coverage on pollution control aspects will depend to a large extent on what level of detail on these issues is proposed in the forthcoming national planning policy framework.

No change is considered necessary to the section on subsidence or the list of potential locations affected by this in Appendix 3.

The policy currently highlights particular risk of subsidence due to ground conditions and chalk workings in streets and areas listed in Appendix 3 of the plan. These are based on the best available information from the council's asset and city management service but are acknowledged to be less than comprehensive. The council could not resource the level of work involved in compiling a more detailed and systematic evidence base which would log every historic incident of subsidence, nor would it be desirable or practicable to include such information within the plan.

Should any changes to the notifiable installations list be received prior to Regulation 27 consultation, it is recommended that the policy is amended accordingly, but no change is possible at present.

In relation to hazardous installations it should be noted that the two Bishop Bridge Road gasholders are likely to be decommissioned in the near future and a proposal has been submitted by landowners National Grid for their inclusion within an extended housing development allocation in the Site Allocations Plan. Deletion of the sites from Appendix 3 and the supporting text to policy DM11 must, however, await official notification from the Health and Safety Executive that they have been taken off the official list of notifiable installations.

DM12 – Principles for Residential Development

46. Policy DM12 sets out a series of detailed criteria applying to all proposals for residential development.

47. This policy attracted a wide range of comment. Many felt that detail was lacking in certain aspects but there were also objections stating that the policy was not flexible enough and/or inconsistent with government policy.

48. Comments included:

- Concern that prohibition of housing development or conversion in employment areas and the late night activity zone was too inflexible
- Need to take account of the industrial character of certain areas to ensure that new housing was not inappropriately located.
- More flexibility needed on densities and scope for conversion to respond to character of individual buildings and areas: also the requirement to achieve a minimum density of 40 dwellings per hectare is inconsistent with government policy in PPS3 which had abolished the previous minimum national housing density threshold.
- The 40 percent affordable housing target is now inconsistent with the adopted Joint Core Strategy and predicated on an out-of-date evidence

base. However, Green Party objections pressed for a 40 percent affordable target or higher in Norwich since this was justified by evidence of local need.

- Policy should recognise affordable housing need for larger family housing particularly on larger development sites.
- Individual site targets in the Site Allocations Plan assume higher housing densities than may be deliverable, leading to a potential undersupply of sites. However there were some counter-suggestions that higher densities than 40 dwellings per hectare may be possible in certain locations to promote social mix
- Need for a greater emphasis on residential conversion to offset need for newbuild
- Policy to encourage housing as part of a diverse mix of uses needs to define what is meant by “the local area”
- The 10 percent lifetime homes standard was felt to be inadequate to cater for the long-term needs of an aging population.

49. There was support for this policy among development management staff and few changes were proposed aside from updating the reference to the JCS target for affordable housing (which is reduced in adopted JCS policy 4 from 40 percent to a maximum of 33 percent). Concern was also expressed that it may not be feasible or practicable to require a mix of dwelling types with family housing and flats on all development sites as the size or the configuration of the site may preclude this. A caveat should be added to allow for circumstances where the requirement for this mix can be relaxed.

Recommendation: Only minor amendments to Policy DM12 are recommended to clarify circumstances in which residential development will not be accepted.

The approach of policy DM12 in resisting housing development on employment land, in the late night activity zone and at ground floor level in particular retail areas continues the approach of the present local plan. To relax this restriction would undermine important strategic and local policy objectives in other areas, particularly in terms of protecting employment land, maintaining a high standard of living conditions for residents and maintaining the vitality and viability of shopping areas.

It is recommended that the exception clause prohibiting residential uses in the Late Night Activity Zone should be extended to sites immediately adjoining it where the structural transmission of noise is an issue. This amendment is considered appropriate since it has been demonstrated that satisfactory standards of insulation from noise transmission to adjoining residential occupiers may not always be achievable where amplified sound levels are high and residential property is structurally linked to the premises generating the noise. If it is demonstrated that satisfactory noise mitigation can be achieved, exceptions to the policy could be made in particular circumstances.

It should be noted that the government's recent consultation on changes to the General Permitted Development Order include a proposal to make the change of use of B class business premises to housing exempt from the need to apply for planning permission (although possibly subject to a "prior approval" procedure similar to that applying to telecommunications installations). If implemented, there would be significant difficulties in retaining a policy which seeks to restrict changes of use to housing in certain areas. In order to continue to implement this part of policy DM12 successfully, it would potentially be necessary to support it by Article 4 directions removing permitted development rights for the change of use of B class business uses to housing in particular areas of the city. Such directions are, however, complex and time-consuming to implement and would need to be subject to a lengthy public consultation process. **It is recommended that the situation in relation to the GPDO changes be kept under review and the need to support the exception clauses of policy DM12 with additional measures such as Article 4 directions should be considered (and referred to in the supporting text of the policy) if this becomes necessary.**

The 40 dwellings per hectare minimum density threshold is recommended to be retained. The requirement for a minimum density of 40 dwellings per hectare is considered to be appropriate and reasonable for Norwich and in practical terms the great majority of urban housing development sites would need to achieve densities equal to or higher than this for development to be viable. Higher densities are achievable and would be accepted in the city centre and (as required by Joint Core Strategy Policy 12) in district centres and on high-frequency public transport routes. The abolition of the minimum density threshold nationally does not preclude local planning authorities from setting their own minimum density thresholds if local circumstances require them in order to ensure the proper planning of the area.

The supporting text is recommended to be amended to update references to the JCS affordable housing requirement. In relation to the affordable housing issue the city council has formally adopted the Joint Core Strategy as part of the development plan and must abide by the affordable housing requirements, site size thresholds and percentages set out in JCS Policy 4. In response to the study of housing development viability undertaken by Drivers Jonas Deloitte, the Inspector has clearly set out his reasoning for introducing more flexibility into the policy and reducing the affordable housing requirement from the area-wide 40 percent level originally proposed in the submission version of the JCS. It is acknowledged that the new maximum affordable housing requirement of 33 percent may not address the full range of affordable housing needs in the city, but in the current difficult economic conditions a higher percentage requirement could not be justified and - in combination with other planning obligation requirements - would be likely to seriously impact on housing development viability.

Members should note that it is not legally possible for Norwich to impose a required level of affordable housing provision greater than that set by the JCS policy 4 since this would render this plan out of conformity with the JCS and hence unsound.

No change is proposed to the 10 percent lifetime homes standard unless evidence becomes available to justify a higher requirement.

The requirement for 10 percent of dwellings in larger schemes to achieve lifetime homes standard is considered to be a modest and reasonable target to apply in Norwich and has been carried forward from the council's present approach in the Accessible and Special Needs Housing SPD, using evidence from the 2001 census on the proportion of city residents with limiting long-term illness and disabilities. The site size threshold to which the policy would apply is proposed to be lowered from 25 to 10 dwellings to provide for lifetime homes in a wider range of housing development. More detailed evidence on the characteristics of the local population and the incidence of long-term illness and disability will become available from the 2011 census and this may indicate that a higher level is justified: however at present no change can be proposed.

DM13 – Flats, HMOs and residential Institutions

50. Policy DM13 sets out criteria for the acceptance of proposals involving the development of or conversion to flats, the conversion of dwellings to houses in multiple occupation (HMOs) and the development of residential institutions such as homes for the elderly, supported care homes and nursing homes.

51. Two main issues emerged in relation to this policy:

- The requirement for satisfactory parking for all residents of HMOs was alleged to be contrary to thrust of other policies discouraging parking. A suggestion was made that there should be a presumption that HMOs would not have access to on-street permits to discourage car use.
- The assumption that institutional development, especially for specialist forms of care, should not be accepted on housing allocations was challenged, since there is an identified shortage of supported care housing. Both the Green Party and developer's representatives expressed this view.

52. The wording of draft policy DM13 has some anomalies. Although this is referred to in the supporting text, the policy does not make clear that it is intended to apply to larger HMOs (seven or more residents) only. It requires proposals for HMOs and flat conversions to satisfy the criteria of policy DM12 for all residential development although criterion (d) requires housing schemes to provide a mix of sizes and types of dwellings including a proportion of family housing. That is clearly not achievable in a flat conversion or HMO by definition. The requirement for "satisfactory" parking may imply that flat conversions and HMOs would benefit from a higher standard of car parking than purpose built class C3 dwellings, which is not the intention. The general reference to proposals not resulting in "an unsatisfactory living environment" is vague and would be better defined with reference to the residential amenity criteria in policy DM2 and the standards for all residential development in policy DM12.

53. In relation to institutional development the requirement that such schemes cannot be accepted on land identified for housing continues the approach of the present adopted local plan. Although the JCS identifies an increased need for institutional and specialist care homes, residential institutions do not count toward the housing targets set by the Joint Core Strategy and consequently the acceptance of institutional development on allocated and permitted housing land has implications for the maintenance of a five year housing land supply for the city.

Recommendation:

Policy DM13 is recommended to be redrafted to include a general expectation to achieve satisfactory amenity and layout standards, clarify that it will only apply to larger HMOs (7 or more residents) and to cross-refer to the amenity criteria in policy DM2 and the general housing design principles in policy DM12.

Many of the amenity and layout standards expected in conversions for flats and HMOs would apply equally to any other form of housing and are covered in other policies. For this policy to re-state these requirements in slightly different terms is unnecessary and could lead to ambiguity. The policy is therefore proposed to be redrafted to include cross-references to other applicable policies. It should also include an explicit requirement that conversion and development proposals subject to this policy must show that they can achieve satisfactory standards of servicing, parking and amenity space within the limitations imposed by the size and configuration of the site. It is recommended that policy DM31 requiring car-free and low-car housing in specified locations should be explicitly extended to flats and HMOs as well as other forms of housing development (that is not obvious in policy DM31 as drafted) with an expectation in this policy that proposals should comply with policy DM31 where it requires car-free housing and that parking levels should be reduced elsewhere where reasonably practicable.

More detail is proposed to be added in the supporting text in relation to HMOs to explain the rationale for the council's policy approach. The change of use of single dwellings (use class C3) to houses in multiple occupation occupied by between three and six unrelated residents (use class C4) does not require permission unless these rights have been removed by Article 4 direction. Although some authorities have chosen to serve these directions, there is considered to be no strong case for introducing restrictive planning controls on smaller HMOs in Norwich and there is an acknowledged need to support the University of East Anglia and other educational institutions in providing an adequate range and choice of student housing. However, conversion of larger houses to multiple occupation for 7 residents and over may only be acceptable in limited cases and is not usually appropriate or desirable in areas of the city dominated by larger family housing. Commentary needs to be added to this effect.

It is recommended to add an exception clause in the section on residential institutions, accepting institutional development on housing land where it is shown that the five-year housing land supply would not be compromised.

In many cases residential institutional development may be perfectly suitable on sites allocated or permitted for housing and the only reason that it is not accepted is that it would erode the supply of identified land available for general housing development which makes up the calculated five year land supply figure for Norwich. However, in circumstances where there is an ample supply of such housing sites it would be unreasonable to resist otherwise acceptable institutional development which meets an identified need. This should be acknowledged in the policy.

DM14 – Gypsies and Travellers

54. Policy DM14 is a general policy for assessing the acceptability of proposals for gypsy and traveller sites.
55. South Norfolk Council were concerned that the policy should have more detail on the work required to identify and develop suitable sites, given the requirement identified in the JCS for 15 additional gypsy and traveller pitches in Norwich between 2006 and 2011 and a further 20 between 2012 and 2026. A need has also been identified for 27 additional plots for travelling showpeople in the Norwich area by 2026.
56. South Norfolk Council have prepared, consulted on and submitted for examination (in April 2010) a detailed gypsies and travellers DPD, but this was withdrawn from examination at their request due to the Inspector's fundamental concerns about its soundness.
57. No specific sites are identified for gypsies and travellers or for travelling showpeople in the draft site allocations plan for Norwich. South Norfolk Council have objected to it for that reason and offered their assistance in both identifying sites and developing a more detailed development management policy along the lines of their own draft policy, in order to meet the commitment to provide new pitches in the JCS. The city council has to date been unable to identify and bring forward any candidate sites considered suitable for long-term allocation for gypsies and travellers but will continue to safeguard and protect the existing sites at Swanton Road and Hooper Lane. Policy DM14 is intended to assist in the assessment of individual proposals for sites. It should be noted, however, that national advice in Circular 1/2006 indicates that detailed development management criteria for the identification of sites for gypsies and travellers belongs in Core Strategies and not in lower level documents. Policy 4 of the Joint Core Strategy already includes the general requirement that sites should have good access to services and be in locations where local research demonstrates they would meet the needs of gypsy and traveller communities.

Recommendation: No change to policy DM14 is proposed at present. The supporting text needs expanding to acknowledge that there are no suitable or viable new sites identified for gypsies and travellers in Norwich and to explain the process gone through in assessing and discounting candidate sites.

Work was carried out by the council's housing service in 2010 to identify potential sites for gypsies and travellers. This has not resulted in any suitable sites coming forward and none were proposed in the call for sites consultation for the site allocations plan. A background paper will be produced based on this evidence gathering exercise which will accompany the submission version of the plan. This will improve the soundness of the policy.

Until the national policy position on gypsies and travellers is clearer it will be difficult to determine the best way forward for further development of this policy, if any. It is recommended that the position be kept under review (and discussions take place with adjoining authorities as and when required).

The main issue to address here is the acceptability of not allocating any specific site or sites for gypsies and travellers in the Site Allocations Plan. Whether or not this position changes will have a bearing on whether policy DM14 needs to be amended, amplified or indeed deleted. The government is expected to release its new national planning policy framework as a draft for consultation in July and is also running a separate public consultation on a draft policy statement to replace the two current Circulars on gypsies, travellers and travelling showpeople. The deadline for responses to the latter is 6 July 2011. Both of these will have a bearing on the eventual form this policy takes.

DM15 – Loss of Residential Accommodation

58. Policy DM15 resists the loss of dwellings to other uses unless there are overriding benefits in terms of community gain, conservation or regeneration or a net improvement in the standard of housing overall.

59. Few comments were received on this policy, though one objector felt that a blanket prohibition on the loss of housing may be overly restrictive in that it could discourage the development of sustainable home/work environments or e.g. the introduction of cafés in residential areas.

Recommendation: No change to policy DM15 is proposed. The protection of the existing housing stock is an important policy objective and this policy continues the approach of present Local Plan saved policy HOU16. Flexible home working and live-work units in appropriate locations would be encouraged by this plan and in most cases would not in fact involve a change of use (as the primary residential use would be unaffected). Proposals for cafés should be considered in accordance with the principles of PPS4 and the Joint Core Strategy prioritising such uses in defined centres and other accessible locations in accordance with the sequential approach and the hierarchy of centres set out in JCS policy 19. Policy DM15 would allow for

exceptions where a clear community, conservation or regeneration gain can be shown to result from the new use.

DM16 – Defined Employment Areas

60. Policy DM16 seeks to safeguard and prioritise defined employment areas for business use and other beneficial forms of economic development. Town centre uses on employment areas are resisted unless they satisfy the sequential suitability and impact tests set out in national policy (PPS4).
61. Objections to this policy mainly concerned the acceptability of other uses in employment areas – in particular Costco asked for specific consideration to be given in the policy to warehouse clubs; and B and Q queried the reasoning for retaining the Livestock Market retail warehouse development within a defined employment area on the Proposals Map when it was not indicated as part of the employment allocation in the Site Allocations Plan. Other comments related to the need to protect railheads and wharves for employment purposes (an issue raised by Lafarge Aggregates), and the desirability of identifying and retaining smaller sites for business use (other than offices) in the City centre.
62. The policy states that any proposals for main town centre uses accepted exceptionally in employment areas would need to satisfy the sequential test and impact assessment requirements of PPS4. development management officers considered that this should be qualified on the basis that the requirement of PPS4 for impact assessments for developments of over 2,500 sq. metres was too generous for Norwich. A lower threshold (e.g. 1000 sq. metres as used in present Local Plan saved policy SHO3) was suggested, since smaller developments than the PPS4 threshold could still have a significant impact on adjoining centres. It was also considered that a separate policy on large single user employment sites (similar to present local plan policy EMP7) was needed to provide guidance on the approach to be taken when parts of these larger sites became surplus to requirements.

Recommendations: Minor changes to Policy DM16 are recommended to clarify circumstances in which impact tests and sequential site assessments will be required for certain uses on employment areas, Policy DM16 continues and reinforces the present local plan's approach by offering strong protection for defined employment areas and resisting changes of use for other purposes. It takes account of recent advice on economic development in PPS4 and clarifies the approach to be taken to other forms of economic development and town centre uses in employment areas. Continued protection of these areas mainly for employment purposes (B class business uses other than offices) is justified by the findings of the Norwich Area Employment Growth and Sites and Premises Study (2008). The Study concluded that it would be necessary to safeguard the majority of existing employment areas in the city for their designated purpose in order to support and sustain the high levels of job growth integral to the strategy for greater Norwich set out in the JCS. Policy 5 of the JCS therefore indicates that land

identified on proposals maps for employment purposes will only be considered for other uses “that are ancillary and supportive to its employment role”. Policy DM16 of this plan would interpret that approach at a local level and could be supported, where necessary, by more detailed guidance, regeneration strategies and neighbourhood plans for individual employment areas.

The applicability of the policy should be clarified in relation to sequential assessments and impact tests.

In PPS4, proposals for town centre uses which are not in defined centres must be supported by a sequential site assessment to show that alternative potential sites for the proposal in or adjacent to those centres have been considered and discounted (or that none exist), and an impact test to show that the proposal would not have a harmful impact on those centres. PPS4 states that such tests should be required for development over 2500 square metres but allows for lower size thresholds to be applied where local circumstances suggest they are needed. Using a lower local impact threshold for proposals for town centre uses is supported by JCS Policy 19 where backed up by local studies. The need for these assessments is also included in policy DM18, but the overriding need to protect employment areas for their designated purpose has been shown through the Norwich Employment Growth and Sites and Premises Study. This being so, it is considered that policy DM16 can legitimately require an impact test for town centre uses irrespective of size where the proposal is on designated employment land.

The implications of removing the retail warehousing at the Livestock Market (Neatmarket, Hall Road) from the employment area need to be considered.

The issue raised by B and Q needs to be addressed. The B and Q retail warehouse development at the Livestock Market was permitted exceptionally in 2005 on part of an allocated employment development site (at the time Council-owned) because the applicant could demonstrate need and capacity for additional retail floorspace in the DIY sector. However, saved local plan policy EMP10 makes clear that the Livestock Market site was always intended to be redeveloped for a high-quality B1/B8 business park and that remains the aspiration for the remainder. The residual part of the Livestock Market is mainly undeveloped and would be covered in its entirety by a site-specific employment allocation in the Site Allocations Plan. It can be argued that it makes little sense to leave the remaining developed portion within the employment area when it is demonstrably a retail development and not in an B class employment use. Taking the retail warehousing out of the defined employment area may, however, raise issues as to whether other retail warehouses which are “non-conforming uses” in established employment areas ought to be treated the same way. This could lead to pressure to deallocate them as employment land and establish them as freestanding car-based retail parks which could potentially attract further retail development in what may be relatively unsustainable locations. The retail floorspace at the Livestock Market operates within the terms of a planning permission for A1 retail use limited to bulky goods only, so it makes no practical difference if they remain in the employment area or not. On balance it is considered that

the retail warehousing ought to remain recognised as part of a (part-implemented) larger mixed use allocation rather than being regarded either as a freestanding retail park or as an employment area. Consideration will be given to amending the Site Allocations Plan accordingly.

No specific reference to warehouse clubs is considered necessary and none is recommended to be added in the policy.

In relation to the objection by Costco, policy DM16 accepts other forms of economic development complementary to the function of the employment area where it would not be practicable to locate them in town centres. This would not rule out accepting warehouse clubs and other sui generis uses in appropriate cases and the supporting text indicates that proposals for trade retail and similar uses will be considered on a case-by-case basis. Town centre uses allowed exceptionally on employment areas (which would include the retail component of any trade warehouse or warehouse club use) would need to be accompanied by an impact assessment where this was required either by PPS4 or by subsequent locally determined impact and sequential test criteria.

It is not considered appropriate to extend specific policy protection for employment uses to railheads and wharves as there are no instances in Norwich where this would be an issue. The objector requesting this change (Lafarge Aggregates) is in any case a minerals operation and both their existing Trowse depot and the adjoining reserved site for a minerals railhead would be subject to planning policies in the Minerals and Waste DPD prepared by Norfolk County Council and not the policies of this plan.

No change is considered necessary to policy DM16 to cover the issues around small business uses.

It will be important to maintain a range of small and medium-sized sites for small business use and this may include identifying small employment sites and premises in the city centre other than in the defined office area. However, both policy DM17 of this plan and policy 5 of the Joint Core Strategy make provision for protecting a range and choice of small business sites and premises and these pocket sites are often too small to allocate individually. Many site-specific allocations put forward in the Site Allocations Plan include scope for business use as part of a mix of uses and any more site-specific detail could be included in lower level planning documents such as small area master plans and SPDs.

No specific reference to or additional separate policy on single-user sites is considered necessary.

Since large single-user employment sites are designated areas in B class business use and undeveloped parts of them are considered as part of the potential land supply in the Employment Growth and Sites and Premises Study, it is not considered appropriate to include a separate specific policy for them in this plan. As with any other employment area, proposals for development of any surplus parts of sites for other uses should be considered in accordance with this policy and strategic employment needs set by Joint Core Strategy policy 5, with re-use for employment purposes given priority.

Policy DM17 – Protection of Small and Medium-Scale Employment Sites

63. There was not a high level of response on this policy: however one comment was made that the supporting text contains material which is better included in the policy itself.

Recommendation: No significant change to Policy DM17 is proposed. However the policy should be amended to clarify that:
a) it relates to small business sites and premises outside defined employment areas (Policy DM16 covers any sites and premises within them);
b) proposals for the loss of small employment sites in favour of a use providing community benefits should demonstrate that the new community use could not be provided in a more accessible or sequentially suitable location.

Policy DM17 provides guidance at a local level on the requirement of JCS Policy 5 to maintain a suitable supply of employment sites and premises. It essentially continues the emphasis of existing saved local plan policy EMP3 in protecting against the loss of sites and premises suitable for small businesses where these are situated outside defined employment areas. This approach is supported by the findings of the Greater Norwich Employment Growth and Sites and Premises Study pointing to a potential shortage of such sites.

In a situation where there is a short-term lack of demand for small business premises for industrial and office purposes there is a possibility that alternative community uses which are not town centre uses could be sanctioned by this policy on (for example) industrial estates which are demonstrably unsuitable for community facilities attracting large numbers of people. Adding a clause requiring applicants to show that they could not accommodate the proposed facility in a more accessible or sustainable location would ensure that D1 uses such as places of worship, healthcare, education and training would not be automatically accepted in industrial estates with relatively poor accessibility if the other policy tests were satisfied.

Policy DM18 – Town Centre Uses

64. Policy DM18 gives more detailed guidance on the approach taken on development for retail and other town centre uses, specifying that these should be located and scaled in accordance with the “town centres first” approach to site selection set out in PPS4 and the hierarchy of centres defined in the Joint Core Strategy.

65. This policy attracted a significant number of comments. Issues raised included:

- Restriction of further development at Riverside without transport improvements was claimed to be inconsistent with PPS4 advice that

planning authorities should adopt a “positive and constructive approach to economic development”. It was also claimed to be contrary to JCS policy 19 accepting retail development within the identified hierarchy of centres.

- More detailed reasoning is requested within the policy to support the approach to development at Riverside
- The policy should clarify the status of Hall Road District centre (a comment from prospective developers Targetfollow);
- There was some challenge (from the Green Party) to the assumption that small-scale supermarkets have “strengthened” local centres;
- The policy should exempt proposals from PPS4 sequential test/impact test requirement where town centre uses form part of site-specific allocations (although these may fall outside defined centres currently).
- The Green Party also question whether Norwich’s strong “town centres first” policy would be robust enough to prevent dispersal of car-based retail development to the wider Norwich area e.g. the north-east growth triangle.
- More detail may be needed within the policy in anticipation of simplified national policy guidance and possible dilution of advice in PPS4.
- Policy strongly supported by Capital Shopping Centres (the operators of Chapelfield)

66. Development management officers commented that although the retail hierarchy is defined in Policy 19 of the JCS, it contains no guidance as to the acceptable scale of development within centres at each level of the hierarchy. They reiterate the point made under policy DM16, that the national PPS4 requirement for impact assessments for developments of over 2,500 sq. metres is too generous for Norwich. A lower 1000 sq. metres local threshold was again suggested. It was also pointed out that having two large district centres (Magdalen Street/Anglia Square and Riverside) inside the geographical boundaries of Norwich city centre gave scope for confusion, since the city centre was placed at the top of the hierarchy of centres and there was no functional distinction made between different parts of it.

Recommendation: No change to Policy DM18 is proposed in relation to Riverside but a more detailed justification (referring to the need to combat vehicle congestion and effectively manage travel demand) may be necessary in the supporting text. It is abundantly clear that the local highway network in the vicinity of Riverside is heavily congested and at capacity at times of peak shopper demand. The potential for any additional retail development there is constrained by the physical capacity of the network to accommodate additional car-borne trips to what remains a predominantly car-oriented retail park (notwithstanding its large district centre status and edge of city centre location). The aspiration of the Joint Core Strategy – and this plan – is eventually to reduce the dependency of Riverside on the private car, taking opportunities to increase development densities and reconfigure the scheme to reduce the areas devoted to surface car parking. Until this becomes practicable and feasible it will be critical to manage the impact of travel demand from any new development by diverting it to improved public

transport services and enhancing sustainable transport links from Riverside to the remainder of the city centre. The generic national advice on site suitability in PPS4 cannot be used as a justification to disregard these local transportation issues, which must be addressed effectively in order to ensure the proper planning of the area.

Clarification is needed in relation to the detailed definition of the hierarchy of centres. The principles of PPS4 – that new development for town centre uses should seek to locate in defined centres as a first preference and be of an appropriate scale for the size and function of the centre in which they are located – would be applied at a local level by this policy, using the defined hierarchy of centres set out in the Joint Core Strategy. The JCS puts Norwich city centre at the top of the hierarchy but there is no distinction made between primary and secondary areas. However, the city centre covers a significantly wider geographical area than just the main shopping areas (and in fact encompasses two lower level large district centres within it). Consequently there could be scope for different interpretations of sequential suitability when assessing proposals against strategic and local policies. Policy DM18 should make clear that when assessing preferred locations for new retail development, the policy would give priority to the primary retail area over the secondary areas and large district centres. For leisure and evening economy uses, the most sequentially preferable location would be the defined leisure area within the city centre. Further detail is provided in the City Centre topic paper supporting the Joint Core Strategy.

Policy DM18 should be amended to make clear that exemption from impact tests and sequential site assessments will be extended to proposed district and local centres and to any other town centre uses forming part of proposals in the Site Allocations Plan. This would also bring the Hall Road District Centre within the scope of this exemption and address the point made by Targetfollow, although no specific reference to Hall Road District Centre is considered necessary in the policy. This change would not exempt developers from having to justify proposals in terms of their scale, which should remain appropriate to the scale and function of the centre in which they are proposed and should be consistent with the position of the centre in the hierarchy defined by JCS Policy 19.

An amendment is recommended to state that that impact testing will be subject to PPS4 thresholds, or a lower threshold determined by local evidence as this becomes available.

Guidance on the appropriate scale of development at each level of the hierarchy is recommended to be added either in the supporting text or in an Appendix.

In relation to the policy's requirement for impact and sequential assessments, up-to-date evidence would be needed to justify the adoption of a lower local floorspace threshold triggering the need for them in Norwich.

The points raised by the Green Party in relation to possible dispersal of competing large-scale retail development to locations on the edge of the Norwich built-up area are acknowledged, but are not the concerns of this plan. The JCS sets out a clear policy position on retail development in the Norwich

area and requires that this be located, and scaled appropriately, in accordance with the defined hierarchy of centres set out in Policy 19. Proposals for development for retail and other town centre uses whether inside or outside the city boundary would need to be assessed in accordance with that policy. Whilst allowing for development at a scale appropriate to serve the local population of new growth areas, it would not accept development at a larger scale likely to compete directly with the City centre.

DM19 – Offices

67. Policy DM19 sets out criteria for the acceptance of new office development, prioritising new development in the defined office areas in the city centre and protecting premises suitable for continued office occupation or upgrading from redevelopment or change of use.

- There was concern from developers' representatives that Policy DM19 is far too inflexible in view of the chronic lack of demand for office space: the policy may in addition seriously impact on the residential conversion potential of obsolete office premises;
- The policy should recognise that economic viability is not the only factor to take into account in determining whether or not offices should be retained: fitness for purpose of individual premises and qualitative issues should be addressed too
- The policy should allow for greater flexibility in the use of space to cater for home working and the changing requirements of the office sector – also potentially allowing for conversion of disused retail showrooms for business purposes or other town centre uses.

68. DM officers considered the section relating to the acceptance of proposals for office refurbishment should make clear that proposals would be supported only where they provide for the upgrading and expansion of office floorspace, rather than these being alternative options. It was also suggested that the requirement for all new development within the defined city centre office priority area to provide a “substantial proportion” of office floorspace would be improved by defining what is meant by “substantial”.

69. Policy 9 of the Joint Core Strategy sets out principles of the overall growth strategy for greater Norwich including significant expansion of office, retail and leisure provision in the city centre, stating that *land will be identified to deliver a net increase at least 100,000m² of new office floorspace*. Policy 11 of the JCS seeks to *expand the function of the city centre as an employment centre including provision of high quality office premises and a diversity of uses across the area, including media, creative, financial, business and professional services and information communication industries*.

70. These strategic policies follow on from the recommendations of the Greater Norwich Employment Growth and Sites and Premises Study that it will be critical for the success of the employment growth strategy to identify and bring forward land for the development of major new office floorspace

in the city centre in order to accommodate the job growth required in key sectors and to locate it sustainably and accessibly. Accordingly, policy DM19 offers strong protection of existing high-grade office premises deemed suitable for retention, and identifies a priority area for new office development in the south-east quadrant of the city centre. Despite these aspirations, it is clear that as a result of the recession there is at present a chronic lack of demand for office space in Norwich and in the last quarter of 2010, premises totalling 57,700 square metres of office floorspace were recorded as available¹. In the face of this lack of demand, there is particular pressure to relinquish surplus office premises which are failing to find occupiers and instead promote them for conversion to housing and other uses.

Recommendation:

Minor changes are recommended to the first part of policy DM19 to clarify that the priority area for the retention of existing, and the provision of new, high quality office space is the city centre. It is also recommended that the policy is amended to state that proposals for redevelopment or change of use “*will be accepted where it is demonstrated that the premises are no longer fit for purpose and their retention or upgrading and continued occupation for office use would not be economically viable, feasible or practicable*”.

It is clear that although this policy seeks to protect high quality office accommodation and provide for new office development in particular priority areas, a great many smaller and poorer quality office premises in the city centre are dated and obsolete and unlikely to be fit for purpose for continued office occupation without very substantial investment, if at all. It is acknowledged that economic viability is only one of the determining factors in gauging the suitability of such office premises for retention and objectors' points are accepted on this issue.

No change is proposed to Policy DM19 in relation to office refurbishment schemes. There may be many instances where it would be desirable to accept proposals for refurbishment and external upgrading of offices without necessarily requiring additional floorspace to be created and to insist on that all schemes create additional floorspace would be unreasonable. The amendment proposed by DM staff is therefore not accepted.

It is recommended that consideration is given to appropriate wording in the policy and supporting text to clarify the requirement for the proportion of office space which will be required in redevelopment proposals. In order to improve the effectiveness and clarity of the policy on new office development, in the office priority area, it is considered that “a substantial proportion of office floorspace” needs to be specified. The boundaries of the office priority area may also need some review.

¹ Source: Bidwells Data Book 21, March 2011.

It is recommended that the situation in relation to the GPDO changes be kept under review and the need to support the office protection element of policy DM19 with additional measures such as Article 4 directions should be considered (and referred to in the supporting text of the policy) if this becomes necessary.

As noted under policy DM12 above, the government is currently consulting on proposed changes to the General Permitted Development Order. The effect of these changes would be to make the change of use of B class business premises to housing exempt from the need to apply for planning permission. If implemented, there would be significant difficulties in retaining a policy which seeks to protect city centre office premises from change of use. In order to continue to implement this part of policy DM19 successfully, it would potentially be necessary to support it by Article 4 directions removing permitted development rights for the change of use of offices in particular areas of the centre. Such directions are, however, complex and time-consuming to implement and would need to be subject to a lengthy public consultation process.

DM20 Primary and secondary retail areas and Large District Centres

71. Policy DM20 sets out detailed criteria for the acceptance of various uses within main city centre shopping areas, maintaining the present local plan's approach of requiring a minimum proportion of shopping frontage to remain in A1 retail use.
72. National planning policy for town centres in PPS4 urges local authorities to plan for a strong retail mix emphasising range and quality, as well as *"supporting a diverse range of uses which appeal to a wide range of age and social groups, ensuring that these are distributed throughout the centre"*. The overall emphasis of the policy is on a more flexible approach to promote economic growth and facilitate competition, albeit recognising the continuing importance of robust, vibrant and diverse town centres. Further to this, policy 11 of the Joint Core Strategy seeks to enhance the retail function of the city centre by expanding comparison retail floorspace and intensifying uses in the primary area and extending and diversifying retail and other services elsewhere, with a particular emphasis on supporting the evening economy and speciality retailing. Policy 11 also seeks to strengthen the role of the city centre as an employment location.
73. The city council's established approach in the present local plan is to protect the function of shopping areas by applying strict limits on the proportion of non-retail uses accepted within particular sub-areas of the city centre (defined shopping frontage zones), coupled with support for speciality and independent retailing, complementary new development and a range of environmental improvements to enhance the centre for shoppers and visitors. The management of changes of use within shopping areas by setting a minimum proportion of ground floor retail frontage has been one of the most important and successful components of the planning strategy for the city centre. However, more recent national advice in PPS4 makes clear that local authorities should be building more

flexibility into their policies to encourage diversity and protect retail function. Reconciling these sometimes conflicting objectives will be one of the more difficult challenges for this plan and local policies must adapt accordingly whilst providing sufficient detail to implement the vision for the centre set out in the Joint Core Strategy.

74. Policy DM20 seeks to maintain the established approach of requiring a minimum proportion of retail uses in defined frontages but allows for more flexibility where proposals will benefit vitality and viability.

75. Comments received on this policy included:

- A need for greater flexibility to allow for the trend toward more non-retail uses (Class A2-A5 uses) in shopping areas
- Several issues were raised concerning possible inconsistency with evening and late-night economy policy DM23. Specific concerns were expressed around the meaning of terms such as “vitality and viability” and “unacceptable environmental effects” also whether a policy accepting the beneficial use of upper floors and basements would favour the spread of more late-night uses such as bars and nightclubs into secondary retail areas close to residential occupiers.
- Capital Shopping Centres support the extension of the primary shopping area to Chapelfield Plain, but consider it should be defined as a retail frontage. The reference to “the retail frontage at ground floor level” needs amendment where separate shopping frontages to which the policy applies exist on more than one level (as at Chapelfield and Castle Mall)
- Capital Shopping Centres also consider that the policy should specify a shorter period for vacant A1 retail units to be marketed before a change of use can be accepted (6-9 months is suggested in preference to a year).

76. DM officers suggested that the policy should give more recognition to the beneficial contribution to vitality and viability of A3 uses (cafés and restaurants) as against other non-retail uses which are significantly less likely to offer these benefits.

Recommendation: It is recommended that Policy DM20 is amended to clarify the approach to changes of use within shopping malls where more than one main retail level exists, to give more support to speciality and independent shopping and to proposals for cafés and restaurants in use class A3.

Although there is a strong case for keeping the approach of setting an indicative minimum percentage of ground floor frontage in retail use for each area of the centre, the appropriateness of the suggested percentage thresholds for each frontage zone, and the precise boundaries between the zones, need detailed review.

The council's approach of managing change by requiring a minimum percentage of A1 retail frontage to be maintained in defined shopping zones at ground floor level has worked well for Norwich for very many years and has helped to protect the centre's core shopping function, as well as fostering a vibrant and diverse range of uses and activities within it. To abandon that approach and rely solely on showing a qualitative benefit or disbenefit to vitality and viability from each individual change of use would pose a serious risk for the integrity of the council's planning strategy for the centre and possibly threaten the successful implementation of Joint Core Strategy policy 11.

Draft policy DM20 takes the same approach as present saved local plan policy SHO10 and requires the same indicative minimum proportion of 85% of defined frontages to be maintained in retail use across the whole of the primary area. It also shows largely the same frontage zone boundaries on the proposals map as apply now. However, Norwich city centre is a dynamic entity and the nature of the shopping experience – particularly in the primary area - has changed markedly in the ten years since the present local plan policy was drafted. It now has a much higher proportion of cafés, restaurants and other supporting services in addition to Class A1 shops than was the case 10 years ago and many shopping areas have benefited from their introduction. Overall retail vitality and viability does not appear to have suffered markedly as a result and shop vacancy rates have remained low even during the current downturn. However, the positive contribution of cafés and restaurants in use class A3 to vitality and viability, compared with the largely negative or neutral impact of financial services uses and betting shops in use class A2, may need to be brought out more in the policy, with the former given greater support.

It should be noted that because the policy has been applied flexibly to accept cafés and restaurants and other uses to promote vitality and diversity, the proportion of A1 retail frontage has in fact fallen *below* the indicative minimum 85% level in almost all primary frontage zones shown in the present local plan. The only exceptions are Castle Mall and Chapelfield (where centre management policies deliberately segregate non-retail uses to separate zones outside the two main shopping levels) and St Stephens Street where the proportion of non-retail frontage is only fractionally over the 85% minimum. It is considered that these trends – and the additional flexibility urged by PPS4 and the JCS – need to be addressed in a detailed review of the retail frontage policy and the precise areas where it would apply. At present no recommendations can be made as to the boundaries and percentage limits which are most appropriate, but one option could be to maintain the policy of strong protection to shops in the malls and main pedestrianised streets such as Gentlemans Walk and the Haymarket and to allow more flexibility elsewhere. There could also be more emphasis on promoting the relatively recently-branded “Norwich Lanes” as a distinct area of independent and speciality shopping, which is not recognised or catered for in current policy.

The suggestion from Capital Shopping Centres to acknowledge that there are two main shopping levels at Chapelfield to which this policy will apply (rather

than one “frontage at ground floor level”) is accepted. This principle would also need to apply to Castle Mall. However, Chapelfield Plain is not proposed to be shown as a defined retail frontage since it is intended to become a focus for cafés and restaurants, not shops.

In the secondary shopping areas and the Anglia Square/Magdalen Street Large District Centre a number of minor changes may be necessary to the retail percentage thresholds applying to certain streets, and the practicalities of applying a 60% retail minimum threshold to a defined shopping frontage in Elm Hill (suggested in the draft policy) need further investigation.

The approach to be taken in this policy to proposals for changes of use at Riverside (a newly designated large district centre in the Joint Core Strategy) and Brazen Gate (a newly designated secondary area) also needs to be clarified, since neither of these areas are typical traditional “centres” in terms of PPS4, one being a retail park and one a freestanding foodstore.

DM21 – District and Local Centres

77. Policy DM21 sets out detailed criteria for the acceptance of various uses within neighbourhood local and district shopping centres, again taking the approach of requiring a minimum percentage of units to remain in A1 retail use. It gives particular priority to community uses, in accordance with PPS4.

78. Comments included:

- The justification for specified percentage limits applying in district and local centres and how they should be calculated is unclear – does the percentage refer to floorspace, frontage length, or numbers of units?
- The landowners Targetfollow request that the proposed Hall Road District Centre should be identified with a 60% retail threshold applied
- The Green Party considered that proposals for small supermarkets on adjoining sites likely to impact on vitality and viability of local centres should be subject to a retail impact assessment
- Policy should allow for beneficial expansion of district and local centres through additional development to meet local needs.
- The application of exceptions criteria where percentage thresholds are already exceeded in local centres does not entirely follow the sequential approach of PPS4.

79. As is the case in the city centre, the council has sought to protect the vitality and viability of district and local centres by requiring that these centres should, wherever possible, keep a minimum percentage of their premises in retail use. This has generally been fixed at 60% in the present local plan. Trends toward a higher proportion of non-retail uses in some centres has meant that this threshold is no longer appropriate in some cases. Detailed research was carried out by the planning policy team in 2010 (taking account of advice in PPS4) to establish whether there were any local and district centres where lower percentage thresholds would be

appropriate, instances where local centres should be upgraded to district centres, or where the changing function of particular groups of shops not previously identified as local centres justified giving them official status as such. Changes were recommended to the boundaries of some local and district centres. The results of this work have informed the detailed content of this policy, which also incorporates more detail on the approach to other “town centre uses” and community facilities as required by PPS4. Revised boundaries and new proposed centres are shown on the proposals map.

80. It is intended to include much of this material in a background shopping topic paper to be submitted to the public examination of the DM policies Plan.

Recommendation: Some redrafting of Policy DM21 is recommended to simplify the basis on which the percentage thresholds are applied, and to protect against the loss of retail floorspace in cases where vitality and viability relies on the presence of a larger anchor store rather than maintaining a particular quantum of smaller units in retail use.

It is proposed to clarify of the basis on which the percentage of non-retail uses is calculated (numbers of units at ground floor level) and to list the proposed Hall Road District Centre specifically in the policy. Consideration may also be given to upgrading some local centres to District Centre status in response to changes which have occurred since they were first identified in the present local plan in 2001 (for example the provision of a larger local foodstore). Technically, however, this may render the policy out of conformity with Joint Core Strategy policy 19, which defines centres in Norwich in accordance with their present position in the hierarchy as shown in the local plan.

In Norwich, the majority of traditional neighbourhood shopping centres are characterised by parades or clusters of small and medium sized shop units and rely for their continued vitality and viability on having a diverse mix of uses in which shops predominate. However, two particular centres – Eaton Centre and Aylsham Road/Copenhagen Way – are based around a single larger foodstore alongside a diversity of other uses (which may include takeaways, cafés and leisure uses such as a bingo club, but may not necessarily have a high proportion of small shops). It will be difficult to apply a “one size fits all” policy to these centres of markedly differing character and consequently a different policy approach may be warranted.

It is also proposed to amend the policy to make clear that applicants proposing non-town centre uses in district and local centres should show that they have assessed and discounted sequentially preferable locations as well as considering the availability of other suitable sites or premises within or near the same centre. For example, an applicant putting forward a proposal in a local centre which is contrary to this policy should have considered a location in the city centre, a district centre or a more accessible local centre first. This will make the policy consistent with the sequential approach in PPS4 and will help to address the objections raised.

No change is recommended in relation to the impact of local foodstores.

The issues raised by the Green Party challenge the assumption that small supermarkets operated by national retailers are always appropriate in local and district centres: their contention is that many such stores have had a negative impact on quality and choice in centres rather than strengthening them. Their objections (also raised under policy DM18) suggest introducing an impact test for small supermarkets where they would have a harmful impact on an existing centre.

It is important to emphasise here that national policy regards local centres as a wholly appropriate location for small supermarkets: there is no basis either in PPS4 or the Joint Core Strategy for adopting a restrictive policy at a local level and resisting stores in or adjacent to local centres on principle. To do so would run contrary to national planning advice on facilitating competition and would certainly render this plan unsound.

Policy DM22 – Community Facilities

81. Policy DM22 seeks to provide for the development of new community facilities in the most sustainable and accessible locations within centres and to protect existing community facilities where possible. It also incorporates the present local plan policy on historic and community pubs, identifying an expanded list of pubs for protection and making clear that re-use for other community purposes will be prioritised if it is demonstrated that a pub is no longer viable.

82. There was strong support for this policy, Some generally minor objections were received on matters of detail:

- The policy needs a stronger emphasis on permanent protection of community facilities and the role of schools in meeting wider community needs
- An objector questioned why sports facilities and play areas should be defined as community facilities in the supporting text (these are dealt with adequately in policy DM8) – also queried inclusion of doctors' surgeries as community facilities as they are private businesses.
- Community facilities need not be subject to a "city centre first" PPS4 sequential test - most have a more local catchment and are better located in local centres.
- Sport England considered that the exception clause accepting outdoor sport uses outside defined centres could be expanded to accept joint indoor/outdoor facilities where there are benefits of co-location.
- The policy should include an explicit requirement for appropriate community provision to support growing housing numbers in the city.
- Additional public houses were nominated for inclusion on the protected pubs list in Appendix 6.

Recommendation: Clarifications and amendments to policy DM22 are recommended. In particular a clearer explanation is needed regarding the relationship with policy DM8 and the pubs protection policy may possibly require additional work to develop appropriate criteria for protection.

The policy should clarify that new community facilities will be accepted in both existing and proposed local and district centres and to serve new residential development. It is not intended to imply that community facilities should always follow the “city centre first” principle and should make clear that the new facilities should look to locate in centres which are most appropriate to their intended scale and function, the principle being that larger facilities serving more than a local catchment should generally be located in higher order centres (the city centre or a district centre) as required by PPS4. “Community benefit” could usefully be defined in relation to factors such as improved health, wellbeing and social cohesion to reflect some of the priorities of Joint Core Strategy Policy 7.

The point made by Sport England is accepted but the provision of outdoor (and associated indoor) sporting facilities would normally be considered in relation to open space provision and protection policies. A cross-reference to policy DM8 and a requirement for proposals for indoor and outdoor recreation to comply with it would improve the effectiveness of this policy.

The reference in the supporting text to play areas being defined as community facilities is perhaps confusing: although they undoubtedly serve a vital community purpose it is considered that play areas are adequately protected by policy DM8 and this could be better explained in the supporting text. No specific reference to the role of schools in meeting community needs is necessary in the policy itself (shared community uses within schools may not necessarily need planning permission if they fall within the D1 use class) but the supporting text could offer general support for such initiatives.

Consideration has been given to redrafting the section on community public houses. Although the council’s existing policy on pub protection in the local plan (SHO21) has worked relatively well, it has not always been possible to retain protected pubs. Experience has shown that maintaining a viable pub will depend on its business model and the commitment of owners and operators to invest in it. These factors in most cases cannot be influenced directly through planning policy. In addition the Use Classes Order allows numerous changes of use resulting in the loss of pubs without the need to apply for planning permission, rendering the policy only partially effective. Protecting a specified list of pubs also raises the issue of why some pubs are deemed to merit protection and others are not, and what value judgements influence the chosen list.

The intention of the policy is to protect pubs and other facilities performing a significant community role (and which may also be identified heritage assets under policy DM9), but this could in theory apply to a great many pubs and

bars as well as other commercial premises such as cafés. It may be difficult to define exactly how successfully pubs fulfil that role without a considerable amount of evidence-gathering, and because the nature of the industry is dynamic, a pub with a significant amount of community support can easily change its character and lose that support without intervention from the planning process. The issues are necessarily complex, but on balance it is considered that the present approach of identifying a limited number of pubs which have acknowledged value as long-established community assets, which are the last serving a wide area or which are otherwise designated or locally identified for their heritage interest should be maintained.

DM23 – Evening and Late Night Economy

83. Policy DM23 seeks to extend and amplify the present local plan's policies on late night activities and include consideration of the evening economy and hospitality and leisure uses, encouraging these across the city centre in accordance with Joint Core Strategy policy 11. The boundary of the Late Night Activity Zone is proposed to be amended to remove most of Upper King Street and all of Tombland and add the section of Prince of Wales Road between Cathedral Street and St Faiths Lane.

84. There was widespread support for this policy in general and for the redefinition of the Late Night Activity Zone in particular (including from the police) but a recognition that the policy needs consistent application by DM staff, strict enforcement of opening hours, proper management of impacts of any late night uses and the close involvement of the community and other city centre stakeholders to ensure its effectiveness. There were also concerns that accepting beneficial reuse of upper floors and basements in policy DM20 could lead to the spread of late night uses into shopping areas and other parts of the centre close to residential accommodation.

85. A small number of agents for property owners and developers objected to the late night activities policy on the grounds that it was too strict and would prevent the conversion of long term vacant premises within and adjoining the late night zone for housing and other beneficial uses.

86. The eastward extension of the late night zone in Prince of Wales Road was opposed by the Green Party.

Recommendation: No significant change is recommended to policy DM23, although consideration should be given to extending the prohibition on residential development and conversion to sites immediately adjacent to the Late Night Activity Zone where there is a strong likelihood of structural noise transmission, an/or on key routes between centres of late night activity. The implications of any future change in the General Permitted Development Order which bring the residential conversion of commercial office premises within the scope of permitted development will need to be addressed.

The present approach of restricting new late night pubs, clubs and bars to a defined Late Night Activity Zone has worked reasonably well, although there are ongoing issues around the potentially unauthorised operation of certain drinking establishments as night clubs, both within and outside the Late Night Activity Zone. However it is important to appreciate that the policy can only apply to planning applications for new development, change of use or variation of an existing planning condition. This plan cannot regulate activities under any other statutory regime the council may exercise. It can only control hours of opening and the activities taking place on licensed premises if a relevant planning permission for development or change of use exists (or needs to be applied for) on which suitable planning conditions can be imposed or varied. Unless some form of development is involved, the policy might not have much direct influence on existing drinking establishments and clubs. In many cases these have existed for very many years and might well pre-date planning legislation. In such cases opening hours and activities taking place may be controlled solely through licensing and environmental health powers.

One option to improve the effectiveness of initiatives on managing late night uses (an important corporate council priority) is to prepare SPD in support of this policy and policy DM24 on hot food takeaways. This might cover the approach to be taken to new evening and late night uses in various parts of the centre and practical means to co-ordinate the council's planning and licensing policies and involve other agencies and community representatives. The community would be consulted on this document if it is decided to produce one. The council is already developing a co-ordinated approach to opening hours in considering proposals for city centre evening and late night uses. Work is also ongoing on development management criteria to assess whether establishments should be defined as drinking establishments or nightclubs

Current development management practice is to allow new pubs etc to open until midnight in all areas, unless there are demonstrable reasons why later hours are justified and it can be shown that later opening would cause no nuisance to residents. In the late night activity zone – in accordance with the advice of the police – opening is accepted no later than 4am.

The potential impact of noise and disturbance may extend to residential property in the immediate vicinity of the Late Night Activity Zone and in some cases could not be reasonably mitigated by sound insulation measures particularly if the property is structurally connected to the source of noise. Accordingly it is proposed to extend limitations on residential development or conversion to sites and premises outside but immediately adjoining the Late Night Activity Zone (see also Policy DM12).

DM24 – Hot Food Takeaways

87. Policy DM24 supports hot food takeaways in the city centre and district and local centres where they are consistent with other policies and subject to their not having harmful impacts on residential amenity and traffic.
88. There was strong support for policy from the Police. The Green Party suggested that there should be an additional clause in the policy stipulating a maximum percentage of hot food takeaways within particular defined centres and areas of the city.

Recommendation: Minor changes are proposed to policy DM24 to better explain the reasoning for restricting opening hours to protect residential amenity and to align the wording with similar clauses in other policies.

(At present the draft policy simply states that opening hours will “vary across the city”).

More detail on the application of opening hours restrictions is intended to be included in SPD supporting policies DM23 and DM24.

It is not recommended to include any stipulation imposing a limit on the numbers of takeaways in centres. Such a policy could be construed as anti-competitive and run counter to advice in PPS4 and more recent government advice instructing local authorities to facilitate competition and support enterprise. It is considered that the impacts of hot food takeaway uses on adjoining residential and commercial occupiers (including any cumulative impacts) can be adequately controlled through policy DM2 of this plan.

DM25 – Retail Warehouses

89. Policy DM25 seeks to restrict new retail warehouse development to sites allocated within the Site Allocations Plan and to not permit the relaxation of conditions on retail warehouse parks which limit them to the sale of bulky goods only.
90. Several objections were received:
- The policy is completely contrary to PPS4 because it would prevent retail warehouse development in all locations other than retail parks (including potentially in more accessible and sequentially preferable locations)
 - A policy to resist relaxation of bulky goods conditions is unjustifiable and would prevent advantageous development for certain foodstore formats benefiting from co-location with retail warehousing (objection submitted by M and S in advance of a potential application for a “Simply Food” store in a retail park location)
 - The policy needs to make clear that expansion of Hall Road Retail Park does not include the new district centre (objection submitted by Asda).
 - The Green Party have particular concerns re traffic implications of expanding Hall Road retail park.

- Capital Shopping Centres (operators of Chapelfield) strongly supported maintaining controls on out of centre bulky goods retailing.

Recommendation: Although a policy preventing retail diversification in retail warehouse parks remains justified, Policy DM25 needs amendment to better reflect the approach of PPS4, extend sale of goods restrictions to freestanding retail warehouses and to take account of proposed changes to the Site Allocations Plan.

It was originally intended that the existing Hall Road Retail Park would be allocated within the Site Allocations Plan as part of an expanded Hall Road District Centre, reflecting the approved development scheme by Targetfollow. This influenced the draft version of policy DM25 which accepted retail warehouse development within this and any other allocated retail park sites. The Targetfollow scheme is now unlikely to proceed in its approved form and the retail warehouse park allocation has consequently been removed (addressing the concerns of Asda). No new retail warehouse park allocations are now proposed in the Site Allocations Plan, consequently Policy DM25 is proposed to be redrafted as a criteria-based policy to set out the circumstances in which proposals for retail warehouse development will be accepted. It also needs to take account of advice in PPS4 and the criteria for town centre uses set out in policy DM18 of this plan, which also covers the approach to new development at Riverside. .

No need or capacity for significant new retail warehouse development has been identified in the Norwich area and there remains a strong justification for resisting new proposals. It is also clear that the present restrictions on retail warehouse parks limiting them to bulky goods only (requiring transport by car) also remain appropriate and necessary for Norwich. The established retail warehouse parks are poorly located for sustainable accessibility. To permit a wider range of goods to be sold from them would increase the need to travel and perpetuate an unsustainable pattern of development, contrary to the principles of PPS1, PPS4 and PPG13. A number of freestanding retail warehouses also operate with similar restrictive conditions and the policy needs to be extended to these in addition to the specified retail park locations.

There is a potential contradiction in this approach with reference to Hall Road, however. The eventual development of the Hall Road District centre would mean that the adjoining retail park would then become, by definition, an edge of centre site and, in terms of PPS4, a theoretically more preferable location for a particular scale of retail development than a freestanding site would be. Proposals for any new development within the retail park would still need to demonstrate that they were of an appropriate scale and satisfy the sequential and impact tests in policy DM18, but to continue to impose a blanket “bulky goods only” restriction on the retail park in the interests of protecting the city centre might be seen as contrary to PPS4. This is particularly so if the adjoining proposed foodstore in the district centre was seen to be offering a broad range of food and non-food

goods than was acceptable in the retail park. Careful consideration will be required as to how this issue can best be addressed in a redrafted policy.

DM26 – University of East Anglia

91. The policy sets out broad development principles for the UEA campus and adjoining areas.

- Agents for the UEA supported the policy in principle, but suggested the supporting text should refer to the established use of Earlham Hall by the University and the conservation/regeneration benefits of continued use.
- English Heritage considered that the policy should require compliance with an approved development brief for the land between Suffolk Walk and Bluebell Road and include detail of the matters to be covered within it as well as having to comply with the masterplan: such a brief will (rather than “may”) be a material consideration.
- The use of the term “where relevant” in relation to development requirements weakens the policy
- Discussion of the UEA Travel Plan should refer to the aim of “minimising *single occupancy* car use” since car sharing is promoted as a component of sustainable travel within the plan.

Recommendation: Only minor changes to the policy are recommended, including a reference to compliance with relevant development briefs if prepared, and clarifying aspects of the Travel Plan. The section of the supporting text on Earlham Hall can usefully be amplified to refer to the established use of the Hall for university related educational purposes and the conservation benefits of complementary new development within its curtilage. At the time of writing it is unclear if a development brief will be prepared for Earlham Hall or if the UEA will proceed direct to a planning application but the option of a brief should be left open. Similarly, a brief for the reserve site between Suffolk Walk and Bluebell Road is an emerging aspiration but it is inappropriate for this plan to set its detailed parameters and content (such as form, massing, protection of long views and use of materials). Such a brief would necessarily need to cover these aspects and many of these requirements are already set out in generic policies DM2 (design principles) and DM9 (heritage assets). There is no need to reiterate them here. To cover the eventuality of emerging briefs, but remain flexible, it is recommended that the first part of the policy should be amended to say that development should be in accordance with **“the UEA masterplan and with any subsequent development briefs prepared for individual parts of the site”**. It is considered that the inclusion of the words “where relevant” in the first part of the policy do weaken it and allow scope to argue that the some or all of the policy criteria are not relevant and need not be complied with. Although minor development within the campus may not, in itself, be related to all the stated development requirements it would be beneficial to remove the caveat since the majority of development would need to address at least one of them.

The encouragement of shared car use as a component of the UEA Travel Plan is acknowledged and the suggested amendment is accepted. **It is recommended that the wording “*minimising car use*” be amended to “*encouraging shared car use and minimising single-occupancy car trips*”**

DM27 – Norwich Airport

92. Adopted Joint Core Strategy policy 6 (access and transportation) includes the objective of “*supporting the growth and regional significance of Norwich International Airport for both leisure and business travel to destinations across the UK and beyond*”. Policy DM27 sets the general principles for new development at the airport, seeking to limit development within the defined airport boundary to operational uses, other uses ancillary to the airport and improved transport links (potentially including an improved public transport interchange). It continues the emphasis of local plan saved policies TRA1 and TRA2

- The Norwich and Norfolk Transport Action Group felt that the supporting text lacked balance in emphasising the economic benefits of airport expansion without properly considering wider environmental and transport impacts, including the need for a travel plan for staff and passengers. The Green Party are fundamentally opposed to airport expansion, considering that the emphasis on expansion and associated linkages with the NDR within the plan is completely at odds with wider objectives to reduce carbon emissions and discourage high-carbon development.
- The Norfolk Association of Architects question whether airport expansion will be governed by supplementary planning guidance and how any new business and leisure opportunities promoted are intended to integrate with other uses
- Holt Road residents highlight issues around the present unauthorised and future use of the Holt Road Paddocks site (a proposed allocation for airport expansion in the Site Allocations Plan) and the need to control the scope and nature of uses to protect residents’ interests.

Recommendation: No significant change to policy DM27 is proposed.

The adopted Joint Core Strategy sets the context for airport development and it is an essential element of the growth strategy for greater Norwich. It is neither appropriate nor legally possible to adopt a fundamentally different stance to the principle of airport expansion than that set out in the Joint Core Strategy. *Such a stance would render this plan out of conformity with the JCS and national policy on regional airports, and consequently unsound.*

Any major development at the airport will need to address issues of transport impact, travel planning and the promotion of sustainable travel choices in accordance with other policies of this plan (and the overarching sustainability

objectives of the Joint Core Strategy). It is expected that more detailed guidance would be provided by a masterplan for the airport and the council are continuing to press the airport company to progress this.

The issues around the present unauthorised use of the Paddocks for vehicle parking and storage of building materials are being addressed through planning enforcement powers. Future development requirements for the Paddocks site are set out in the site-specific allocation in the Site Allocations Plan promoting airport-related uses consistent with this policy.

The references to the NDR in the supporting text may need to be revisited dependent on the outcome of the current legal challenge to the Joint Core Strategy.

93. The remaining policies of the plan have been drafted principally by officers within the Transportation team in conjunction with planning policy staff.

Policy DM28 – Promoting sustainable travel

94. Policy DM28 combines a number of elements of sustainable transport policy presently covered by separate policies in the present local plan into a single streamlined policy. It covers such matters as the provision of pedestrian and cycle links and the design of development to promote safe and attractive pedestrian environments, encouraging walking and cycling and reducing reliance on (and dominance of development by) the private car. It also includes a requirement for travel plans as an integral part of development proposals and promotes greater use of car clubs.

95. Comments received included:

- The policy appears to repeat parts of PPG13 and Joint Core Strategy: it could be significantly shortened to just cover local issues such as the requirement for a riverside walk.
- The Norwich and Norfolk Transport Action Group expressed general support, but (in common with the Norwich Cycling Campaign) had specific concerns about the definitions/coverage of the walking and cycling network shown on the proposals map.
- The policy should be more prominent in plan to acknowledge the universal application of sustainable transport principles to all development: also the supporting text needs strengthening to cover associated benefits to health, pollution reduction etc.
- The Green Party oppose any reference to the NDR in the supporting text; also request an explicit obligation on developers to minimise areas of car parking and paved surface within development.

96. There was also a request for the policy to recognise the needs of horse riders and to mention public bridleways (rather than cycleways), which by definition are available to both horse riders and cyclists.

Recommendation: Much of the content and coverage of policy DM28 remains appropriate and necessary for Norwich and is not recommended to be changed. However, indicating a core and local cycling and walking network on the proposals map has attracted a number of objections questioning its logic and the completeness of its coverage. Consideration should be given to redrafting the policy to give a greater focus on securing maximum permeability through a site and to improve legibility and universal accessibility for pedestrians and cyclists. The local cycling and walking network could either be deleted in favour of this more generic policy, or reconsidered to focus on areas where there are priorities for improvement or where cycle links are deficient or missing.

Showing a particular walking and cycling network on the proposals map is a legacy of the present adopted local plan which shows an indicative network of existing and proposed cycle routes and green links. This was introduced partly as a means to identify potential missing links in the network which were related to and could be provided through new development (and potentially funded by means of planning obligations delivered through s106 agreements). The argument for showing such a network is now less compelling than it was. New CIL mechanisms will allow developer contributions to be pooled and allow significantly more flexibility in determining where money on local transport improvements can be spent and what they should be spent on. The logic of showing a core cycling network is also questionable since it would already be shown in the local transport plan and would be delivered through direct investment in and works to public highways and footways rather than via the planning application process to which this plan relates. It may be more expedient and desirable to encourage *universal* accessibility through walking and cycling rather than imposing an arbitrary “priority” walking network, which does not reflect the fact that people can and will walk everywhere within the public realm to reach their destination.

No reference to horse-riding is considered necessary in this policy. Norwich in fact has no legally recognised public bridleways except for an established route across Three Score at Bowthorpe. The recreational use of informal routes within the river valleys and other locations by horse-riders is accepted and encouraged by this plan and would be covered by other policies dealing with outdoor recreation.

DM29 – City centre Public Off-Street Car Parking

97. Policy DM29 sets out qualitative and quantitative criteria for the development of new public off-street parking in the city centre, maintaining the existing “cap” on total provision of 10,002 spaces, favouring tariff structures to promote short- and medium-stay use and requiring qualitative improvements to the distribution of accessible car parking facilities where opportunities arise.

98. The policy attracted significant comment and a wide range of opinion:

- Acceptance of such high levels of off-street car parking will negate any benefits afforded by policy DM28. The policy should actively restrict public car parking as an incentive to encourage more sustainable travel choices. It should also make provision for accessible car sharing spaces to promote more car sharing.
- The Norwich and Norfolk Transport Action Group (NNTAG) support the need for a policy but consider it should be strengthened to promote sustainable travel choices more effectively and help achieve national carbon reduction targets. They suggest the cap on off-street public spaces should be reduced to 9,800. More short- and medium-stay spaces provided in the central shopping area (at expense of underused peripheral sites) may increase overall car trip generation and undermine efforts to divert travel demand to Park and Ride etc. They support policy for beneficial redevelopment of car parks and proposals to reduce parking numbers at Riverside.
- Particular landowners felt a distinction needs to be made between permanent and temporary off-street spaces to promote flexible use of private parking and accept temporary parking on development sites as a means to generate income in advance of redevelopment.
- The Theatres Trust expressed concern that more flexibility in parking provision is required (as well as relaxing restrictions on CPZs close to the city centre) to encourage greater use of theatres.

Recommendation: No significant change is proposed to Policy DM29.

The policy is considered to achieve an appropriate balance between providing public parking of sufficient range and quality to support the key functions of the city centre and exercising appropriate restraint on car commuting in favour of more sustainable travel choices as required by the Norwich Area Transport Strategy. The “cap” of 10,002 spaces is maintained as it reflects the requirement of NATS to maintain city centre public car parking at no more than 1995 levels. It is necessary to include this precise benchmark figure in the policy to remove the potential for ongoing disputes as to how the 1995 level should be defined.

A 10,002 space cap is not regarded as being excessive and the objections on these grounds may have misinterpreted the policy as referring to the number of *additional* spaces which can be accepted in the centre, rather than an absolute limit on the number of existing spaces at any one time. Effectively, this approach represents a policy of parking restraint in real terms, taking account of the quantum of new development and the potential for additional car commuting and new parking demand likely to arise in the Norwich area during the currency of this plan. There is no evidence justifying a reduction in the cap by 200 spaces suggested by NNTAG (and in fact the current level is at or below this).

For this plan to sanction temporary public car parking on redevelopment sites as a means to generate income and improve development viability would run counter to the principles of the Joint Core Strategy on promoting sustainable accessibility and making the best use of land. It cannot be supported if new parking provision would result in the parking cap being exceeded. **No change is proposed.**

In relation to the point made by the Theatres Trust, the council's policy of imposing 24-hour on-street residents parking controls in particular residential areas adjoining the city centre is justified by the need to prevent indiscriminate commuter and visitor parking and maintain parking availability for local residents. If there were a shortage of public parking in the centre in the vicinity of the main theatres there could be a case for relaxing these controls in adjoining CPZs, but there is not. The patrons of theatres located in the city centre would be expected to make use of the ample public parking in the vicinity in the evening and at other times, and this is generally safe and secure. **No change is proposed.**

DM30 – Access and highway safety

99. Policy DM30 requires development to be designed to achieve safe and convenient access and covers aspects of the design and layout of roads and circulation space for vehicles within developments.

- The need for the majority of the policy was questioned as it appears to duplicate national policy and guidance e.g. the Manual for Streets. Can be condensed.
- The obvious emphasis of the policy and supporting text on accommodating needs of car users is unacceptable
- A reference to compliance with the Manual for Streets is needed to ensure high standard of highway design which effectively addresses the needs of cyclists (St Augustines Gyratory was cited as an example of poor practice in terms of layout and safety)
- The policy should include standards that relate to the safety and proper layout of new access points (comment by Norfolk County Council)
- The policy needs to refer to the effective enforcement of parking controls

Recommendation: No significant change to policy DM30 is recommended (but the policy numbering requires correction from the draft). The impending review of the Norwich Area Transport Strategy suggests that it may no longer apply a specific route hierarchy and may remove an explicit policy requirement for there to be no further net growth in vehicular traffic in the city. Consequently a reference to these and other matters may need to be included in the DM Policies Plan.

The majority of the comments made are not accepted. National design guidance in the Manual for Streets is advisory and may change over time, consequently it is considered sufficient to refer to it (and any other successor guidance) in the supporting text rather than in the policy itself. On the same

basis the rigid technical standards for the design of new accesses onto the highway network applied by the County Council are not always appropriate or achievable in the urban context of Norwich, so it would be unhelpful to include them in the policy.

The Joint Core Strategy is reliant on the successful implementation of the Norwich Area Transportation Strategy (NATS), but any fundamental review of that strategy or abandonment of particular transport policies with legal force within it may mean that these matters may need to be addressed in some manner in the DM Policies Plan. .

Although the clear aspiration of the plan and the Joint Core Strategy is to promote sustainable travel and reduce unnecessary motorised vehicle journeys where feasible, it would be unrealistic to adopt a draconian policy of severe restriction on car movement. The policy must necessarily recognise and appreciate the needs of car users whilst seeking to mitigate the impact of motor vehicles so far as reasonably practicable through careful design of streets and spaces.

The enforcement of parking controls is not a matter which is related to the planning application process and is not appropriate to include in this plan.

DM31 – Car Parking and Servicing

100. Policy DM31 seeks to ensure appropriate standards for parking and servicing within developments, setting the context for the detailed standards included in appendix 4.

101. The policy attracted a wide spectrum of comment.

- The Norwich and Norfolk Transport Action Group (NNTAG) and the Green Party both consider parking standards for office and retail development outside city centre far too generous and should be reduced to achieve genuine modal shift in support of BRT (tighter standards are suggested). Cycle parking requirements should be increased to compensate
- Agents for several major site owners took the opposite view: parking policy and standards need far more flexibility and should acknowledge the recent updated government advice in PPG13 that rigid imposition of maximum parking standards may impact unacceptably on on-street parking. This viewpoint was reiterated in relation to various residential and city centre office sites – for the latter, adequate parking is considered necessary to ensure that such locations can compete effectively with out-of-centre business parks.
- Policy should encourage greater use of shared perimeter parking in courts or groves alongside dwellings: this would help to avoid cars dominating development, promote cycle use and increase usability of private space.
- Concerns that adequate space should be set aside for refuse storage (given greater need for waste segregation for recycling) and areas should be properly designed and managed: also need to avoid excessive bin clutter on footways on collection days

- Standards should make provision for mobility scooter parking in larger schemes
- Policy should allow shared public/private use of parking areas where peak hour usage does not coincide consistent with advice in PPG13. It is also suggested that parking standards for D1 educational use should be based on staff/student numbers rather than the number of classrooms (UEA)
- Other detailed points were raised on particular standards within Appendix 4.

Recommendation: A small number of changes are likely to be necessary to parking standards in Appendix 4 in response to comments. Minor changes to the policy are proposed to strengthen the wording on refuse storage. Consideration will be given to a reference to shared public/private parking where this is practicable and would not conflict with other policies.

The policy is considered to strike an appropriate balance between discouraging unnecessary car parking, promoting cycle parking and achieving the parking levels practicable and necessary for development to work. The advice in PPG13 to be flexible about maximum car parking standards is acknowledged but it does not preclude local authorities from applying maximum standards if they are considered necessary to ensure the proper planning of the area – that is clearly the case in Norwich. Many objections were about points of detail and further changes to the parking standards may be appropriate – ongoing discussion is taking place with transportation staff about these changes.

Policy DM32 – Car free/Low Car Housing

102. Policy DM32 sets the requirements for low-car and car free housing in locations of high accessibility.

103. There was general support for policy but two specific points were made:

- Approach re car-free and low car housing could be more flexible and e.g. extended to a wider range of locations – deprived wards where there is a generally low level of car ownership would benefit and social housing providers could be encouraged to build more low-car schemes to reduce costs.
- The Green Party saw the policy as commendable but there was a need to publicise and educate housing providers re the wider benefits of car free and low car housing – marketing agents do not often regard it as a positive feature.

Recommendation: No major change to policy DM32 is recommended, but consideration should be given to extending the application of the policy to conversion schemes providing flats and larger HMOs.

The policy would prioritise car free and low-car housing in locations within the city centre and district centres and in locations on high-frequency bus routes. Car free housing may potentially be accepted in other locations and encouraged where this would not put residents at a disadvantage in terms of accessibility, but it is likely that this would need to be approached on a case-by-case basis, since it would not be possible to relate the application of the policy to car ownership levels.

Any proposals for residential conversions providing flats and larger HMOs should be considered on the same basis as new-build.

Policy DM33 – Transport Contributions

104. Policy DM33 requires developers to address the transportation impacts of their proposals through appropriate contributions to on-site and off-site highway works, traffic management measures and any local highway improvements necessary in the wider area as a result of the development. It continues the approach of saved policies TRA10 and TRA11 of the present local plan.

105. There was limited response on this policy:

- The policy needs more flexibility on transport contributions and these should be dependent on viability – it should incorporate a development viability test (UEA)
- An objector questioned the appropriateness of requiring off-site contributions for cycle parking when such parking needs to be convenient and immediately accessible – on-site cycle parking provision should be the norm.

Recommendation: No major changes are recommended to Policy DM33 although minor changes may be necessary in the supporting text for greater clarity on which elements of developer funding will be covered by the Community Infrastructure Levy (CIL) and which sought via s106 (or any local planning obligation mechanisms which may supersede it) .

Planning obligations relating to:

(a) highways works in the immediate vicinity of the development site required to adequately access and service it and

(b) the provision of any directly related facilities (e.g. parking provision) to serve the development which cannot be accommodated on-site will continue to be delivered through a section 106 agreements.

Local highway improvements in the wider area to mitigate the impacts of any additional trip generation are more likely to be funded via the community infrastructure levy (CIL) and will be covered under the new planning

obligations policy (see para 107 below).. Development viability issues are addressed under the city council's present planning obligations prioritisation framework taking account of potential impacts on viability of the overall planning obligation package. It would not be appropriate to refer to viability testing in this or any other individual policy relating to specific matters which may be components of a wider planning obligation agreement. . . . Developers would normally be expected to provide cycle parking on site if this can be achieved and if provided off-site (for example in the footway adjacent) it would need to be accessible and usable. There is no suggestion that cycle parking would be provided in locations unrelated to the proposal site..

Recommendations on new policies

A. Transportation policies covered in NATS

106. Norfolk County Council have requested substantial additional policy coverage in the DM Policies Plan to cover the transport issues currently dealt with under the Norwich Area Transport Strategy (NATS), which is likely to be significantly revised and streamlined to reduce its detailed policy content.

Recommendation: No new transport policy content is proposed at this time. Matters of detail in the DM Policies Plan which have a bearing on achieving particular NATS objectives may need further consideration before policies are finalised. However, it is neither feasible nor appropriate to address potential future deficiencies in strategic transport policy by simply transferring those policies into a local development plan document. The policies within NATS are not planning policies. They are high level strategic transport policies governing a programme of transport investment and improvements in the public realm which may or may not need planning permission. For example, a policy requiring that there should be "zero net growth in private car journeys" may be reliant on modifying travel behaviour by several means not all (or even many) of which are to do with the development and use of land. Successful implementation of the policy is likely to be reliant on direct infrastructure investment in e.g. public transport enhancements or improved cycle routes, or on incentives for greater cycle use, or on public transport subsidies. A policy which states a strategic aim could not be included in the DM Policies Plan because it could not be implemented through the planning application process alone but would require the intervention of other agencies which it may be beyond the scope of the planning system to influence. On those grounds any policy of this nature would be ineffective as part of this plan and the document could be found unsound as a result. Moreover, a suite of detailed policies introducing completely new content could not readily be integrated into the DM Policies Plan at this stage without further public consultation, significantly adding to the plan timetable and cost.

B. A new planning obligations Policy

107. As noted in the draft plan, a new detailed policy on **planning obligations** will need to be included in the plan to provide detailed guidance on the requirements for developer contributions to be delivered through the Community Infrastructure Levy (CIL) and other funding mechanisms.

Recommendation: It is recommended that the content and scope of a draft planning obligations policy should be discussed and agreed in conjunction with the City Growth and Development Manager.

Policy 20 of the Joint Core Strategy refers to contributions to strategic infrastructure being sought from all residential and commercial development through the introduction of an area-wide Community Infrastructure Levy (CIL) supplemented by section 106 contributions. The greater Norwich authorities working through the Greater Norwich Development Partnership (GNDP) are one of a group of frontrunner authorities making early progress on CIL as a means to fund essential strategic infrastructure to support major growth and deliver the Joint Core Strategy. The new tariff-based CIL regime was introduced in April last year and work to develop a charging schedule to be applied across the Norwich area was undertaken by retained consultants GVA Grimley. Public consultation on the draft charging schedule was originally programmed for the late summer of 2011 but is now likely to be delayed pending the outcome of the high court challenge to the Joint Core Strategy. It is likely that the policy as eventually drafted within this plan would need to be sufficiently flexible to accommodate changes in the legislation governing planning obligations but will need sufficient local detail to support JCS Policy 20 and give appropriate guidance to developers. The delayed timetable for consultation and examination on the CIL charging framework may mean that the system cannot be introduced until after this plan is submitted.

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