

Report to	Sustainable Development Panel	Item
	18 March 2021	
Report of	Director of place	7
Subject	National Planning Policy Framework and National Model Design Code Consultation	

Purpose

To comments on Norwich City Council's response to the National Planning Policy Framework (NPPF) and National Model Design Code Consultation.

The Ministry of Housing, Communities and Local Government is currently consulting on changes to the National Planning Policy Framework and also on the National Model Design Code. Most of the proposed changes to the NPPF relate to policy on the quality of new development and respond to recommendations on the Building Better, Building Beautiful Commission. The government has however taken the opportunity to make a number of environment-related changes, including amendments on flood risk and climate change. There is also an update on the use of Article 4 directions.

The consultation was published on 30 January and the deadline for responses is 27 March 2021.

Recommendation

To comment on Norwich City Council's response to the National Planning Policy Framework and National Model Design Code Consultation.

Corporate and service priorities

The report helps to meet the corporate priority of great neighbourhoods, housing and environment and people living well, and the service plan priority to implement the local plan for the city.

Financial implications: None directly

Wards: All wards

Cabinet member: Councillor Stonard – Sustainable and inclusive growth

Contact officer(s)

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Background documents

None

Report

Introduction

1. The government is proposing to make a number of changes to the National Planning Policy Framework (NPPF). Most of the changes relate to policy on the quality of new development and respond to the recommendations of the Building Better, Building Beautiful Commission. The government has however taken the opportunity to make a number of environment-related changes, including amendments on flood risk and climate change. There are also some minor factual changes and there is an update on the use of Article 4 directions.
2. The consultation also seeks views on the draft National Model Design Code which provides detailed guidance on the production of design codes, guides and policies to promote successful design.
3. A fuller review of the NPPF is likely in due course in order to reflect the wider reforms set out in the Planning for the Future consultation document.
4. The deadline for responses is 27 March 2021 and the consultation documents can be found [here](#).¹

Building Better, Building Beautiful Commission

5. The government convened the Building Better, Building Beautiful Commission with the aim of championing beauty in the built environment. The commission had three primary aims which are:
 - a) to promote better design and style of homes, villages, towns and high streets, to reflect what communities want, building on the knowledge and tradition of what they know works for their area
 - b) to explore how new settlements can be developed with greater community consent; and
 - c) to make the planning system work in support of better design and style, not against it.
6. The commission's report proposed three overall aims; ask for beauty, refuse ugliness and promote stewardship and made 45 propositions.

National Model Design Code

¹ <https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals>

7. The purpose of the National Model Design Code is to provide detailed guidance on the production of design codes, guides and policies to promote successful design. It expands on the ten characteristics of good design set out in the National Design Guide.
8. The design code is a set of illustrated design requirements that provides specific, detailed parameters for the physical development of a site or area. The government has published two new documents in draft that are intended to supplement the National Design Guide (updated Jan 2021): the National Model Design Code (NMDC) and Guidance Notes for Design Codes. The NMDC is intended to be used as a toolkit to guide local planning authorities on the design parameters and issues that need to be considered and tailored to their own context when producing design codes and guides as well as methods to capture and reflect the views of the local community from the outset and at each stage in the process. The government has indicated that where a local planning authority has not produced design codes the National Model Design Code will apply by default and the design codes will underpin a fast-track approval process for beautiful schemes.

Summary of proposed amendments to the NPPF

9. The consultation document sets out the main changes that are proposed to the framework. In summary these are as follows:
 - (a) implement policy changes in response to the Building Better, Building Beautiful Commission recommendation.
 - (b) make a number of changes to strengthen environmental policies – including those arising from the Defra review of flood risk
 - (c) include minor changes to clarify policy in order to address legal issues
 - (d) include changes to remove or amend out of date materials
 - (e) include an update to reflect a recent change made in a Written Ministerial Statement about retaining and explaining statues
 - (f) clarification on the use of Article 4 directions.

Response to Consultation

10. Overall Norwich City Council is supportive of the proposed changes to the NPPF. There are however two areas of concern which are as follows:
 - (a) In relation to article 4 directions it is proposed to amend the wording to only allow article 4 directions to be used where they are targeted and fully justified. One of the two options is that article 4 directions for the change of use to residential will be limited to situations where this is necessary to protect an interest of national significance. Furthermore it is proposed that it should apply to the smallest geographical area possible. Officers are concerned that this could prevent the introduction of an article 4 direction to prevent the uncontrolled loss of offices to residential across the city centre.

(b) Paragraph 64 has been amended to clarify that, where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. This is to address confusion as to whether the 10% requirement applies to all units or the affordable housing contribution. Our concern is two-fold. Firstly the emerging GNLP sets out that 10% of affordable homes should be made available for affordable home ownership where this meets local needs. Therefore the GNLP policy will not be in accordance with the NPPF. Secondly in Norwich there is little need for affordable home ownership. There is a much greater need for social/affordable rent so it is important that we have flexibility in order for us to meet the needs of our communities.

11. With regard to the National Model Design Code, Norwich City Council agrees that design coding is a tool that should play a greater role in the planning process and that guidance on how to code is needed. The government has correctly identified design coding as an antidote to the tendency of local planning authorities to frame policies in words rather than maps, diagrams and images that can give greater clarity about the key characteristics of urban form that a development should feature. The government's loosening of planning control over changes of use makes shaping development form and targeting public investment in infrastructure and site development more important.
12. The National Model Design Code describes an approach to design coding across a whole town or city. Design coding has previously been applied mainly to large sites rather than whole settlements. This strategic urban design approach could bring a very useful dimension to spatial planning that visually illustrates the relationship between the aspects of the morphology of the settlement e.g. green infrastructure corridors, transport accessibility and development density. It would be interesting to explore how this could complement the process of producing the next iteration of the local plan.
13. Given the potential importance of design coding it is however an officer view that the documents published for consultation do not provide sufficiently clear guidance for a number of reasons. These are set out in question 15 of appendix 1.
14. The consultation sets out 16 questions. The full questions, along with an explanation of the proposed changes are set out in the [consultation document](#). Norwich City Council's proposed response are set out in appendix 1 of this report.

Appendix 1 - Responses to consultation questions

Chapter 2: Achieving sustainable development

Q1: Norwich City Council supports the proposed changes.

Chapter 3: Plan- making

Q2: Norwich City Council supports the proposed changes.

Chapter 4: Decision-making

Q3: Norwich City Council does not support the proposed changes to paragraph 53 of the NPPF in relation to Article 4 directions. It would appear that the government's intention is to significantly increase the ability for business premises to change to residential without the ability for Local Planning Authorities to consider all material planning matters and Norwich City Council feels that where there is evidence that this is causing harm at a local or regional level, they should be able to introduce an article 4 direction in order protect their towns and cities.

Norwich is intending to introduce an article 4 direction to prevent the uncontrolled loss of office to residential as recent evidence would suggest that the uncontrolled loss of office accommodation has left Norwich's office market in a fragile state ([Ramidus - 2020 - A Review of Office Accommodation in Norwich](#)). Protecting offices in Norwich will not be of national importance but their uncontrolled loss has had a significantly detrimental impact on Norwich's economy which is a regional centre within the East of England.

In terms of the two options whilst we would strongly object to the second one where this is limiting article 4 direction to situations where this is necessary in order to protect an interest of national significance, we would also have concerns regarding the first option as it is currently unclear as to what 'wholly unacceptable adverse impacts' would include.

We also have concerns in relation to restricting article 4 directions to the smallest geographical area possible. Whilst we acknowledge that article 4 directions should not extend further than necessary, it is the Local Planning Authority that is best placed to define the extent of a geographical area and in the case of Norwich's proposed article 4 direction, the evidence base would suggest that this should include the majority of the city centre.

Chapter 5: Delivering a wide choice of high quality homes

Q4: Norwich City Council does not support the proposed changes to paragraph 64. Within Norwich there is little need for affordable home ownership with the much greater need being for social/affordable rent. The requirement to have 10% of all homes as affordable home ownership will significantly impact on our ability to deliver the tenure that is much needed for our communities, especially where the level of affordable housing is challenged through the viability process. It is fundamental that there is flexibility in order for Local Planning Authorities to meet their local needs.

Norwich City Council supports the other changes to chapter 5.

Chapter 8: Promoting healthy and safe communities

Q5: Norwich City Council supports the proposed changes.

Chapter 9: Promoting sustainable transport

Q6: Norwich City Council supports the proposed changes.

Chapter 11: Making effective use of land

Q7: Norwich City Council supports the proposed changes.

Chapter 12: Achieving well-designed places

Q8: Norwich City Council supports the proposed changes and with regards to the National Model Design Code, Norwich City Council agrees that design coding is a tool that should play a greater role in the planning process. However Norwich City Council does have a number of concerns regarding the clarity of the guidance and also has significant concerns about having sufficient resources to produce such guides and codes at a time when Local Authority resources are being stretched. These are expanded upon in Q15.

Chapter 13: Protecting the Green Belt

Q9: No comment

Chapter 14: Meeting the challenges of climate change, flooding and coastal change

Q10: Norwich City Council supports the proposed changes.

Chapter 15: Conserving and enhancing the natural environment

Q11: Norwich City Council supports the proposed changes.

Chapter 16: Conserving and enhancing the historic environment

Q12: Norwich City Council would agree that Local Planning Authorities are the best placed to make decisions on the removal or alterations of historic statues, plaques and memorials.

Chapter 17: Facilitating the sustainable use of minerals

Q13: No comment

Annex 2: Glossary

Q14: Norwich City Council has no comments on the changes to the glossary; however we would suggest that beautiful is defined within the glossary.

National Model Design Code

Q15: Norwich City Council agrees that design coding is a tool that should play a greater role in the planning process and that guidance on how to code is needed. Norwich City Council also agrees that maps, diagrams and images can give greater clarity about the key characteristics of urban form that a development should feature.

Design coding has previously been applied mainly to large sites rather than whole settlements. However Norwich City Council agrees that applying the design coding approach to whole towns or cities could bring a very useful dimension to spatial planning that visually illustrates the relationship between the aspects of the morphology of the settlement e.g. green infrastructure corridors, transport accessibility and development density.

Norwich City Council agrees that design coding could potential be very useful and important; however we do have some concerns as we do not feel that the documents published for consultation provide sufficiently clear guidance, the reasons for which are set out below. Furthermore we have concerns about having sufficient resources to produce such guides and codes at a time when Local Authority resources are being stretched.

- 1) The National Model Design Code and guidance notes not explain when a coding approach is appropriate rather than another design tool, such as a masterplan, design guide or planning / development brief.
- 2) There is insufficient explanation of how coding at different geographical scales requires different techniques.
- 3) The guidance notes provide an elaboration of the content of the National Design Guide rather than a handbook for coding.
- 4) There is a confusion relationship between the National Model Design Code and the Guidance Notes – these should be combined into one document.
- 5) No extracts from actual coding document are included within the documents so the reader is left in ignorance about what a successful design code document might look like.
- 6) The Planning White Paper sees coding as operating within the context of a zonal planning system where a code would provide the regulatory parameters for what is allowed in different zoned areas. For example, legislation would stipulate that permission in principle would only be granted in areas zoned for growth if a masterplan and design code were to be produced. It is therefore confusing that the design coding documents do not refer to this and several other aspects of the White Paper, such as how the White Paper proposals for machine-readable data on coding to be produced in a standardised format. This might be because it would be seen to pre-empt decisions on whether the proposals in the White Paper will be implements.
- 7) The documents need to be clear about what should feature in a local plan and what should be left to a code. There are occasional references to this, such as parking standards, but no systematic explanation of what sits where.
- 8) The consultation document sets out that where a local planning authority has not produced design codes the National Model Design Code will apply by default. However, this calls into question the purpose of the document –

is it a Design Code that can be used to guide and regulate the form of development nationwide or a document that explains how to do design coding?

- 9) Design codes are expected to be based on a design vocabulary that can be empirically demonstrated as popular. Without this evidence they will have little or no weight in the planning process. Community engagement is therefore key. However community engagement will be a big challenge because design codes are technical documents that are likely to only interest a small proportion of people. Getting the technique of community engagement right will be vital but the section on this topic at the end of the Guidance Notes is particularly weak.

Public Sector Equality Duty

Q16: No comment