

Sustainable Development Panel**09:00 to 11.20****1 October 2020**

Present: Councillors Stonard (chair) (to item 5 below), Maguire (vice chair)(in the chair from item 5 below), Carlo, Davis (to item 5 below), Giles, Lubbock, Maxwell, Schmierer (substitute for Councillor Grahame, from item 3 below) and Stutely (to item 5 below)

Apologies: Councillor Grahame

1. Declarations of Interest

There were no declarations of interest.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meetings held on:

- (1) 15 January 2020;
- (2) 22 July 2020.

(The chair agreed to amend the order of the agenda.)

3. Government Consultation on the Planning White Paper and Changes to Current Planning System

The planning policy team leader presented the report which included the council's draft responses to the government's consultations on the Planning White Paper and Changes to the Current Planning System.

During discussion the planning policy team leader, together with the director of place, answered members' questions. Members also made suggestions where they considered that the draft consultations should be strengthened. During discussion members noted that the government proposals in the consultation documents lacked detail.

A member pointed out loopholes in the white paper proposals in that developers could avoid affordable housing contributions by developing sites with 39 dwellings and then not complete the final dwelling to avoid paying infrastructure contributions. Officers advised that there was a need for infrastructure and it was hoped that the government would close the loophole mentioned. With regard to the threshold for affordable housing the council's previous local plan (2004) had provision for affordable housing on sites of over 25 dwellings which resulted in applications for

developments of 24 dwellings. The threshold of 40 dwellings could therefore result in developers bringing forward developments under this threshold to avoid the affordable housing contribution. Officers considered that it was unlikely to affect larger developments. However a member suggested, later in the meeting, that there was potential for developers to split sites into smaller developments of up to 39 dwellings to avoid the contribution. The panel considered that the response on the government white paper should be strengthened to reflect its concern.

Members then considered the proposals for the new Infrastructure Levy (IL). Members were advised that a national flat rate would be set but was expected to be collected locally. The proposed council response addressed the issue of regional differences in land values and noted that where the value of the land was low, there would be a lower level of IL receipts than in other parts of the country with higher values. The government had not provided details on how local authorities could borrow against IL. A member said that the councils in the Greater Norwich Growth Partnership pooled community infrastructure levy (CIL) for large infrastructure projects and asked what the potential was for this “flexibility” to continue. The director of place said that the government’s proposal was to increase the flexibility of local authorities on how the IL was spent. The use of CIL was heavily regulated, effectively the system currently prioritises collection of CIL over provision for affordable housing. IL appears to be merging CIL and S106 payments avoiding “double-dipping” and potentially putting affordable housing on a level playing field with other infrastructure. The council had made representations when CIL was introduced seeking flexibility to enable CIL monies to be spent on affordable housing. Members were advised that there would be a process to ensure that necessary infrastructure was considered, such as schools and access, and not just affordable housing. The pooling of CIL between the Greater Norwich partner authorities was unique in the country and related to the City Deal. The City Deal provided access to the Public Works Loans Board to sites to overcome barriers to development. There was concern that interest rates and land values could fluctuate over the years, which would pose a financial risk to local authorities borrowing against IL.

During consideration a member pointed out that the proposals for design codes could prevent innovation. The planning policy team leader said that this was a good point. The government’s focus on “beauty” was subjective. The design code was to be agreed at the plan stage and it was not clear what flexibility there would be to change this at later stages. The director of place pointed out that the award-winning and innovative Goldsmith Street development did not comply with the standards in many design guides due to its density and design approach to orientation to maximise solar gain.

A member expressed concern that the removal of “duty to co-operate” with neighbouring councils was a “retrograde step”. It would have a detrimental effect on authorities, like Norwich, that shared the urban area with two other district councils, and could lead to development, such as out-of-town shopping centres, in unsustainable locations. Another member also supported this and said that there had been a lack of strategic planning since the abolition of the regional assemblies.

In relation to local democracy and consultation, the chair said that the draft response adequately addressed the concerns about impact of the proposed plan-making focus on community engagement at application stage and the role of planning committees.

The panel considered the proposed zoning of growth, renewal and protection areas in the plan-making process. A member suggested that the zoning, together with the removal of the duty to co-operate and the housing needs assessment, could result in large areas of greenfield sites (or village clusters) being developed rather than more sustainable brownfield sites. The planning policy team leader confirmed that this comment would be included in the draft response to the white paper for consideration by cabinet.

In reply to a member's suggestion, the planning policy team leader said that contributions for highways could be flagged up in the draft response.

During discussion members commented on their concern about the government's contribution to the housing crisis over the last decade and that it was taking apart the planning system in favour of developers who had stalled development by land banking. Members referred to the motion at council (22 September 2020) and considered that group leaders should also sign the letter of the leader of the council to the Secretary of State and the Prime Minister opposing the government's plans to deregulate the planning system. In reply to the member's concerns about land banking, the director of place said that there was a noticeable omission in the government proposals in its failure to propose powers to enable authorities to address where sites being held back from development whilst owners were waiting for changes in land values and suggested that the draft response could be strengthened in this respect.

The panel noted the practical arrangements for the draft response to the consultation on the current planning system due to be submitted later that day. A member pointed out that the extension of Planning in Principle to larger sites removed public and democratic scrutiny from planning applications.

RESOLVED to:

- (1) recommend to cabinet that the leader of the council's letter to the Secretary of State for Housing, Communities and Local Government, agreed at council (22 September 2020) is also signed by Councillor Stonard, cabinet member for sustainable and inclusive growth, and the group leaders;
- (2) ask the planning policy team leader to revise the report on the Government Planning White paper to cabinet (14 October 2020) to incorporate the changes recommended by the panel as minuted above;
- (3) approve the section of the report that comprises the changes to the current planning system consultation and note that the director of place will submit a response, following consultation with the chair, and appended to the cabinet report on 14 October, by the deadline of 1 October, with a view to add comments if necessary later.

4. Greater Norwich Local Plan – Progress Update

The director of place updated the panel on the outcome of the meeting of the Greater Norwich Development Partnership Board (GNDP) on 30 September 2020.

(The papers for the GNDP had been circulated as a supplementary agenda to members of the panel.) He explained the options contained in the report and that the board had agreed a revised timetable for the preparation of the plan; to expedite the Regulation 19 pre-submission version of the plan for consideration by the GNDP in December; and to cease work on the CIL review, in response to the proposals contained in the government planning white paper and the revised housing allocation. There had been a consensus of opinion on the board although some reservations about the proposed revised timetable were expressed by South Norfolk Council representatives as not addressing all the reasons previously cited as reasons for delaying the timetable following the Regulation 18 consultation (reported to the panel in July).

In reply to questions, the director of place explained there would still be an opportunity for the city council to address climate change. There was a risk that, without an agreed plan, the local planning authorities would lose control of the planning system and this opened up opportunities for speculative and unsustainable development. No date had been set for the South Norfolk consultation on village clusters but it would form part of the evidence for the Regulation 19 pre-submission plan.

RESOLVED to note.

(Councillors Stonard (chair), Davis and Stutely left the meeting during the following item. Councillor Maguire, vice chair, was in the chair from this point of the meeting.)

5. Article 4 Direction to Remove Permitted Development Rights for the Conversion of Offices to Residential

The senior planner (policy) presented the report which explained to members the reasons for not proceeding with the introduction Article 4 direction following government's amendments to the General Permitted Development Order and the Use Class Order, and advice from nplaw.

RESOLVED to note the delay in the introduction of an Article 4 Direction.

6. Statement of Community Involvement Update

The planner (policy) presented the report and explained the temporary amendments to the Statement of Community Involvement (SCI) in response to Covid-19 and the ability to engage with the community. There was no need to consult on these temporary changes under the emergency Coronavirus legislation. The government proposals to change the planning system would mean significant changes to the SCI in future. The director of place added that the SCI would be kept under review and amended if or when restrictions were lifted.

During discussion, the planner (policy), together with director of place and the planning policy team leader, referred to the report and answered members' questions. A member welcomed the suggestion of hybrid meetings but was advised that this was a corporate consideration. The council engaged with developers of sites with more than 10 dwellings by informal discussion with planners and pre-application briefings for the committee. It was not a legal requirement and was to be encouraged. Members of the committee took a poor view of developers who did not

engage. Members were also advised that the proposed temporary changes to the SCI were until 31 December 2020¹ only and whilst it would apply to all consultation on all planning documents would not apply to the Greater Norwich Development Plan as there was no expectation to consult on this before the end of the year. If the restrictions to public engagement were to continue beyond the end of the year then further consideration of the changes to the SCI would need to be made.

RESOLVED to endorse the temporary changes to the Statement of Community Involvement and recommend it to cabinet for adoption.

CHAIR

¹ **Post-meeting clarification:** please note that the updates to the National Planning Policy Guidance which allow for the temporary update to the SCI do not have a fixed end date. As such the temporary changes to the SCI would be adopted for the foreseeable future, until the anticipated full review is undertaken in 2021. The deadline of 31 December 2020 applies to the current removal of the requirement for local planning authorities to have certain documents available for inspection and to provide hard copies on request, noted at paragraph 5 of the report, therefore the Greater Norwich Development Partnership may need to consider the implications of this before any consultations for the Greater Norwich Development Plan are undertaken.